

The Nation.

NEW YORK, THURSDAY, DECEMBER 21, 1882.

The Week.

EX-SENATOR DORSEY is making a desperate effort to divert attention from his participation in the Star-route swindles by entertaining the public about his share in the management of the Presidential campaign of 1880, General Garfield's appreciation of his efforts, his friendly correspondence with the President-elect, and the advice he gave the latter with regard to the formation of the Cabinet. This correspondence, interspersed with oral remarks from Mr. Dorsey, who recently asked the court for an adjournment of the Star-route trial on account of his physical sufferings rendering him unable to attend the court, but who now proves a very ready talker, fills nearly two pages of last Monday's *Herald*. From the letters printed it appears that General Garfield had a high opinion of Mr. Dorsey as a campaign manager, and expressed himself as much gratified by his skill, energy, and success. It appears also that he, after the election, invited Dorsey's opinion and advice with regard to the manner in which his Administration should be organized. But it is an historical fact that while Garfield invited and received Dorsey's advice, he failed to do the things Dorsey most earnestly urged him to do, and he did the things Dorsey most vehemently protested against. The statement that Garfield offered to Dorsey the Secretaryship of the Interior so far rests upon Mr. Dorsey's own assertion, and we see good reason to disbelieve it until it is supported by documentary evidence or other indisputable testimony. But whatever light this correspondence may throw upon Mr. Dorsey's political activity, or upon Garfield's way of treating people, or upon his character generally, the question which Mr. Dorsey just now has to answer, and from which the public should not permit their attention to be diverted, has nothing at all to do with these things. It is simply whether Mr. Dorsey is a thief; or, in other words, whether he has conspired with others to rob the Government. This question is to be decided after a fair trial by a competent jury. And if the jury finds that Mr. Dorsey has done the things for which he stands indicted, then his management of the campaign of 1880, or General Garfield's confidence, or the weaknesses of Garfield's character that may have been disclosed in this correspondence, should not, and, we trust, will not, stand in the way of his being punished like any other person convicted of an infamous crime.

A point of striking interest in Mr. Dorsey's correspondence with General Garfield is the extremely poor opinion Mr. Dorsey entertained of Mr. Wayne MacVeagh, and of Independent Republicans and reformers generally. There is no meanness and villany he did not think them capable of. The excessive virulence of his language with regard to Mr. MacVeagh seems almost to indicate very gloomy forebodings on his part as to what might be in store for

him in case Mr. MacVeagh should occupy a seat in President Garfield's Cabinet. In that respect he was not disappointed. His remark in one of his letters to Garfield, that he would much rather see a representative Democrat than an Independent Republican in a Republican Cabinet, is thoroughly characteristic of the Machine politician. Far more than the "common enemy" he hates and fears men in the ranks of his own party who are hostile to Machine methods. With a Democrat who is a thorough partisan, a Republican Machine man can strike hands; with him he can come to an understanding; with him he has sympathies, views, and objects in common; with him he can coöperate—with an anti-Machine man never. Dorsey's wish to have a good Democratic partisan in Garfield's Cabinet in preference to an anti-Machine Republican, is therefore perfectly logical and intelligible. We have had similar things in this city quite frequently, and invariably the coöperation of the two machines was an expensive luxury to the public.

The chief difference between the decision in the Curtis case by the Circuit Court and that rendered on Monday by the Supreme Court is, that the latter places the legal and constitutional objections to political assessments on a broader and clearer basis than the former. It will be remembered that the act under which General Curtis was indicted only prohibits certain classes of officers and employees from receiving or soliciting money from one another. Had the Curtis litigation never taken place, it might with some plausibility still be contended that, while Congress might prevent this, it could not prohibit assessments by or payments to volunteer committees, or, in other words, that by a slight change of machinery the system of collecting a percentage on salaries might be kept up. But no one can read the opinion of the Court carefully without seeing that, while its actual effect is only to affirm the constitutionality of the present act, the grounds on which the opinion is rested are such as to imply that Congress has all the powers that the most extreme reformer can ask. The object of the existing statute, the Court says, is clearly to protect employees from extortion under threats of dismissal. But this is only a small exercise of the authority vested by the Constitution in Congress. A "voluntary" payment to Jay Hubbell is a piece of extortion on the one side, but it is a bribe on the other, or, as the Court says: "If persons in public employ may be called on by those in authority to contribute from their personal income to the expenses of political campaigns, and a refusal may lead to putting good men out of the service, liberal payments may be made the ground for keeping poor ones in." Again, if part of the compensation received for public services must be contributed for political purposes, "it is easy to see that an increase of compensation may be required to provide the means to make the contribution, and that in this way the Government itself may be made to furnish indirectly the

money to defray the expenses of keeping the political party in power that happens to have for the time being the control of the public patronage."

This reasoning, of course, applies to the whole system of political assessments, whether it is carried on by Executive officers, or Congressmen, or anybody else. It means that Congress can legislate on the subject so as to prevent all interference with Treasury clerks and letter-carriers, all attempts to wring money out of them, or to cajole them into paying a bribe to keep themselves in office, no matter what cloak is thrown over the abuse. The system, if carried on by volunteer committees of ministers of the Gospel, will be no more sacred than if it is in the hands of office-holders. Congress can protect the service from outside interference in any quarter just as it can protect the voter at the polls. This is what the Curtis decision means, and the public has every reason to be grateful to the General and the "boys" who have helped on his litigation for the valuable contribution they have made to the cause of reform.

The examination of Mr. William H. Vanderbilt and of Mr. Rufus Hatch by the Committee of the Legislature which is trying to find out whether there is anything wrong in "grain corners," and, if so, what is the best means of preventing them, was interesting as showing how little about corners those know who are popularly suspected of making them. Mr. Vanderbilt was apparently almost as ignorant of their working, except in so far as they sometimes kept long lines of his cars standing filled with cornered grain, as the Rev. Dr. Crosby, who knew nothing about them except what he saw in the newspapers. He made no corners himself, he said, and he hardly speculated in stocks, or, if he did, it was on a large margin. In a general way he thought ill of corners, and so did Mr. Rufus Hatch. Mr. Vanderbilt disclaimed, and doubtless with much truth, a large part of the activity which "newspaper men" ascribe to him, and insinuated that they kept him constantly cornering and speculating, as part of their "business." One cannot help hoping that these investigations of corners and stock-gambling, if they do not reveal the true nature and cause of corners, will at least make somewhat clearer the futility of trying to prevent them by legislation. The belief that speculation can be stopped by statute is centuries old. The English statutes against "regrating and forestalling" were attempts to prevent speculation in produce; they seldom succeeded, and when they did they made produce dearer than it would have been if they had not been executed. The great check on speculation in Wall Street, or in any other street, is to be found in Mr. Vanderbilt's assertion that "not one man in ten goes into Wall Street but he is sure to be a loser in the long run." This is doubtless true, and it constitutes a penalty of the most tremendous kind, which is self-inflicting.

It may be said that this argument, if good for anything, is good against interference with gambling-houses by the police, because nearly everybody who goes to a gambling-house loses his money. But then what goes on in gambling-houses is not the excess or perversion of a good thing. If playing three-card monte and throwing dice were up to a certain point useful occupations, as the buying and selling of stocks are, and became injurious only when carried to excess, it would be terribly difficult for us to suppress gambling. Gold and silver mining is another example, besides stock and grain dealing, of a useful occupation out of which much gambling excitement may be and is got; but who would or could forbid mining simply because nineteen-twentieths of those who put money into mining lose it, or because there is vast speculation in mining prospects? "Selling what you have not got," which is most condemned in all these inquiries, is immoral, if done for immoral ends, but it is one of the commonest and oldest and most useful of human transactions. Everybody who promises to do anything at some future time for a consideration, even to pay a debt, sells what he has not got. It might be a very good and beautiful world in which nobody sold anything which he could not deliver on the spot, or promised anything which he could not instantly perform, but it would be a world so different from this that but few of this generation would want to live in it.

The prevailing opinion as to the good management of the New York Post-office is confirmed by the report of the commission of inquiry appointed by the Postmaster-General. What is said of the manner of making appointments is especially deserving of attention: "All applicants are treated alike, no matter who recommends them or to what political organization the applicant may belong." This impartiality of treatment is what real civil-service reform would secure in all departments of the Government. Its practice in our Post-office has not proved destructive of patriotism. It has not established an offensive officeholding class. The applicants for places are examined "in penmanship, in arithmetic, in geography, in English grammar, in the history of the United States," and in such public matters as may be necessary "to test general capacity or special fitness for the postal service." This certainly is "practical." It does not require familiarity with Sanskrit, or Greek, or abstruse astronomical problems. It does not restrict competition to college graduates, as some of our old-fashioned statesmen have feared competitive examinations would do. It is precisely a practical test such as this that real civil-service reform would secure in all departments of the Government. Objection to this reform is sometimes founded on the assertion that it is merely theoretical. The New York Post-office, however, has made an earnest experiment with the principle, and, as these objectors lay such stress on the value of facts as compared with arguments, the results of the experiment ought to be conclusive with them.

The proposal of the Joint Committee on Shipping to pay a cash bounty to shipbuilders on the materials of home production used by them equal to what the duty would have been if the same materials had been imported from abroad, is a dangerous one from many points of view. In the first place, it will kill the wooden shipbuilding trade, which is really in a flourishing condition notwithstanding the outcry raised on the subject. We have seen a statement published to the effect that more ships were built this year at Bath, Maine—the principal centre of the industry on the Atlantic coast—than in any previous year. We have made some inquiries of our own upon this point which lead to the conclusion that the trade is really in a prosperous condition. Now, even if it be adjudged deserving of death, we submit that Congress ought not to destroy it by offering a premium to iron shipbuilders—a premium collected from the whole body of the people, including the builders of wooden ships. Iron ships are better than wooden ones, and they earn more money for a given amount of freight transported. The difference between the two is so marked that it is quite within the range of possibilities that iron may supersede wood in our own shipyards for ocean-going vessels within the next ten years, even without the intervention of a bounty from the Treasury. But let us have fair play, at all events. If bounties are to be paid, let them be paid on tonnage, and not on materials. The Maine shipbuilders are as good protectionists as the Pennsylvania shipbuilders, and have equal rights to put their hands in the Treasury. Another point of danger is that the annual appropriation of money by Congress, to pay shipbuilders for the supposed losses incurred in their trade, will attract so much criticism and shed so much light on the tariff policy of the country, as to put the whole protectionist system in peril.

The Keely stockholders were cheered on Wednesday by the report of Mr. Boekel, the engineer appointed by the court as custodian of the Secret. The report shows the Secret to be in very fine condition, notwithstanding its long keeping; but what it is Mr. Boekel declares that it would be improper for him to explain, beyond the fact that the Keely engine "disintegrates" water so that its "molecular structure is broken up," and "there is evolved therefrom a permanent expansive gas, vapor, or ether, which result is produced by mechanical action." Mr. Keely, he says, will soon have an engine completed, and it is his purpose to call the attention of the Pennsylvania Railroad Company to the matter. We trust, however, that if that company persists in continuing to use steam, some rival trunk line will be given an opportunity to try the new motor, for the public has the right to the best motor known.

Thomas Crittenden, of Anchorage, Kentucky, has committed a business homicide on a negro named Rose Moseley, for testifying against him in a lawsuit. We have no doubt that, although Moseley was a negro, this occurrence will produce "gloom" in Anchorage and a general wish that Crittenden had

let Moseley alone. It may even lead to a trial of Crittenden, in which there will be considerable weeping; but the sympathies of the jury will probably be rather with the wounded spirit of a man who has been testified against by a negro than with the Commonwealth or the dead negro. There will not be any weeping over the scandal which the affair brings on the community and its administration of justice. Some one wittily said of the South after the war, in the Ku-klux period, that if Southerners would only raise more cotton and less "hell," all would be well. It may now be said that if Southern towns would indulge in less "gloom," and spend more on halsters and hangmen, it would work an enormous improvement in their condition. We firmly believe that \$5,000 spent in hanging man-slayers would yield richer returns than \$25,000,000 spent on river and harbor improvements. In Opelika, Ala., the other day, "every doctor in the city," we are told, "was engaged in extracting buckshot from the bodies of the wounded, and Mr. Maloney lies dangerously, and it is feared mortally, wounded." "How came it?" asks the local chronicler. Well, there were some special causes at work in this case, but the main reason why "it came" that there was so much buckshot in the bodies of the wounded, and that Mr. Maloney is in such a sad state, is probably that several of the wounded were not executed years ago for some of their previous frays.

Governor Stephens of Georgia says he has pardoned Cox on "numerous petitions, numbering hundreds in all, embracing many eminent citizens, lawyers, jurists, merchants, bankers, ministers of the Gospel, journalists, mechanics, and farmers, and including a majority of the House of Representatives and two-thirds of the Senate, of the present General Assembly, asking Executive clemency in his behalf." He ought to publish their names and reasons, those of "the ministers of the Gospel" especially. According to every account of the affair in the local papers, the killing of Alston was as brutal a homicide as ever was perpetrated; and if the eminent citizens of Georgia—lawyers, jurists, merchants, bankers, and divines—think three years' imprisonment sufficient punishment for it, they must have highly original notions about the duty of the State in the matter of protecting life.

The homicide question had begun to attract attention abroad before we took it up. Dr. von Holtzendorff, of Munich, one of the foremost of European jurists, had an article on American homicide in a recent number of the *Deutsche Rundschau*. The subject had arrested his attention before we began to discuss it. In fact, foreign jurists, and divines, and penologists who wish to study homicide in all its phases, will begin to come to this country, as fifty years ago they used to come to study our prison system. Medical authors of works on 'Gunshot Wounds, their Diagnosis and Treatment,' will also begin to appear in the Southern States before long in large numbers, because there are in no other part of the world

the same opportunities for studying the action of buckshot on the human frame. The effect of the single bullet is well known, but hardly any foreign surgeon has had an opportunity of observing the results of a good charge of buckshot from a shotgun. A paper, for instance, from an Opelika doctor, who has spent a day or two extracting buckshot, would excite great interest in foreign medical societies.

The Spanish-claims naturalization question has been finally decided, as it was plain to be seen it must be decided, by the adoption of all of Mr. Frelinghuysen's suggestions. That is to say—claimants must prove their citizenship exactly as they must prove any other fact; the judgments of our naturalization courts are to be taken as conclusive except in cases of actual fraud, or of want of jurisdiction, or where they conflict with some treaty stipulation or rule of international law. This disposition of the matter is exactly what Mr. Blaine wanted to secure, and could have secured had he clearly defined what the question at issue was. But, funnily enough, he wrote a paper on the subject, in which he appeared to take the ground that the United States insisted that naturalization papers fraudulently obtained were just as good in an international court as any others—a position about which the Commission naturally thought there was a good deal of doubt. Had Mr. Blaine been a lawyer his mistake would have been impossible.

A large number of well-known clergymen have issued an address to the ladies of New York, urging them to "put no wine or strong drink upon their tables" on New Year's Day, and calling attention to the fact that in past years "this course has been very largely followed in the best social circles." That there has been an enormous falling off in the consumption of wine at New Year's receptions in the past fifty years no one will be likely to dispute, and the "best social circles" are entitled to the credit of the improvement. They may indeed point with pride to their record in this respect. The reform has been the result of voluntary social action, unassisted by penal machinery, such as the Prohibitionists insist is necessary to restrain intemperance. One fact, however, the clergymen who sign the address seem to have overlooked—that the best social circles have, within the past few years, taken a more effective way of guarding against their guests becoming intemperate, by not having any guests at all. Providing tea and coffee is, after all, only a palliative, for guests who insist on making an "old-fashioned" festival of the day, will always find means of getting fuddled during their round of visits, while the simple device of shutting up the house and leaving town for the day, which has got to be so common of late, goes to the root of the matter, and leaves both host and guest in a state of security which under the old system it was impossible to attain. The abandonment of New Year's receptions is clearly the true way to effect a complete and permanent reform, and now that a distinct move in this direction is being made by society, clergymen and moralists have a weapon

ready to their hands far more effective than tea or coffee.

It appears that there is a hitch about getting Sir Charles Dilke into the Cabinet. He first appeared in political life in 1868 as a Republican, and made his début in politics by several fierce attacks on the Queen's civil list, which he denounced as extravagant, and accused her of not paying the income tax. He fell into many mistakes in matters of fact about which it is difficult for an outsider to get information, and the general effect of his crusade on his political prospects was supposed, as far as office is concerned, to be fatal. But hardly any mistake is fatal to a man who is young, rich, accomplished, and clever; and all of these Dilke was. In the House of Commons he learned rapidly that even young men are not omniscient, began to cultivate silence, and grew a little more conservative, distinguished himself as a debater and man of business while the Liberals were out of office, and got over the social discredit brought on him by his Republicanism and his criticism of the Queen so far as to become even hand in glove with the Prince of Wales. Consequently, when Gladstone came back to power, he was one of the rising men who had to have something, and he got a post for which he was admirably fitted—the Under-Secretaryship of Foreign Affairs—for he is a remarkable linguist, has travelled much, and made a close study of foreign politics. The time has now come for him to go into the Cabinet, but it appears he cannot get the Chancellorship of the Duchy of Lancaster, which Mr. Bright held, because the revenues of the Duchy are part of the civil list, and have to be paid over to the Queen, and she is not so forgiving as the Prince of Wales, and would probably not care to have any part of her income managed by a gentleman who had criticised the whole of it so severely. The Duchy of Lancaster is an old principality which has been merged in the Crown, but still has its revenues kept separate from those of the Crown, amounting, net, to about \$200,000 a year.

Lord Derby is objected to as a member of the Cabinet on the ground that his desire to cut loose from Egypt altogether makes him, if not a bad Whig, a bad Gladstonian. But his attitude on the Irish question is far more objectionable, from the Gladstonian point of view, than his attitude on the Egyptian question, for he apparently declares himself opposed to Home Rule in any shape, or to doing or saying anything about it that will make it a practical question. His theory about Ireland is that Irish hatred of England must be recognized and treated as a permanent and ineradicable evil, and met by dull, steady resistance as in the past. These views are the product of his temperament rather than of his intellect. He sees so well the difficulties of all action that he would avoid action wherever avoidable, and where he had to act would act to-day as he acted yesterday.

The definitive rejection by the German Bundesrath of a motion favoring the abolition of "compulsory civil marriage" has a significance going beyond the merits of the question

itself. The law making the celebration of marriage by a civil magistrate compulsory was one of the fruits of Bismarck's "liberal" period, and of the beginning of the *Kulturkampf*. Civil marriage, especially compulsory civil marriage, has always been one of the greatest eyesores to the Catholic Church. The Clerical party, supported in this instance by a considerable number of the Protestant clergy, have, therefore, spared no effort to compass the repeal of the act. The secret sympathy of the Emperor and the Empress was counted upon by them in this respect. They hoped that compulsory civil marriage would be sacrificed by way of concession to the Vatican, when it seemed to be Prince Bismarck's policy to conciliate the Church and the political party attached to it, at any price. The decisive step taken by the Bundesrath, which would not have been taken without the consent of the Chancellor, seems to indicate that the limit of concession has been reached, for the time being at least.

The periodical Russian scare seems to have broken out once more in the European press. We are told that Russia is strengthening her western frontier by fortifications in a most extraordinary manner; that no less than seven railroads, for which no commercial necessity exists, have been built in that quarter, evidently for military purposes, and that large bodies of troops have been concentrated near the Galician line. All these things are interpreted as indicating hostile intentions on the part of Russia against Austria and Germany. Then, again, we are assured that the mission of Mr. Giers to Berlin is of the most pacific character, that the diplomatic relations between the three emperors are very satisfactory, and that the movements of troops on the Galician frontier mean nothing but the "ordinary annual regimental changes." But the scare has had the effect of greatly unsettling commercial relations between Russia and Germany, and of seriously depressing the value of Russian securities and the Russian paper currency at Berlin and Vienna. We learn also that Prince Bismarck, through his organs in the press, while not denying the existence of any danger, gives the world in general and the German people in particular to understand that he has amply provided for the emergency by renewing the alliance between Germany and Austria. This circumstance throws some light upon the character of the whole excitement. Prince Bismarck is fond of having a little diplomatic byplay when he gets seriously embarrassed in his home policy. He loves to remind the German people that they are surrounded by very dangerous neighbors, but that he is still there to keep those neighbors at bay. He delights in the rôle of the "necessary man," who must be humored. But when he says that by the Austro-German alliance all international emergencies are sufficiently provided for, he is undoubtedly right. The military power of Germany and Austria combined is so colossal that no one of the hostile neighbors will, single-handed, dare to defy it; and even a combination of enemies such as Russia and France would have a very hard task on its hands in attacking it.

SUMMARY OF THE WEEK'S NEWS.

[WEDNESDAY, December 13, to TUESDAY, December 19, 1882, inclusive.]

DOMESTIC.

On Monday the Supreme Court rendered a decision in the political-assessment case of N. M. Curtis. The constitutionality of the law under which General Curtis was convicted is affirmed, and the petition for a writ of habeas corpus denied. Chief-Justice Waite delivered the opinion of the Court, Justice Bradley dissenting.

In the Senate, on Wednesday, Senator Hawley delivered a speech in support of the Pendleton Civil-Service Bill, and several amendments to the bill were adopted, including that offered by Senator Logan, requiring the examination to be practical in character, and such as to test fairly the relative capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed. Senator Beck's resolution for an investigation of political assessments, and Senator Hale's substitute therefor, were referred to the Judiciary Committee. On Thursday, Senator Brown, of Georgia, did what he called "some very plain talking to Democrats" on the question of civil-service reform, the substance of which was that the Republicans have had the offices for twenty-two years, and, if the Civil-Service Bill is passed, will continue to have them, a fact which will take all the "energy and zeal" out of the Democrats in the Presidential campaign of 1884. Therefore, Mr. Brown advised his Democratic colleagues to oppose the bill. In the afternoon Senator Miller, of New York, began a strong speech in favor of the Pendleton bill, which he concluded on Friday morning. Senator George, of Mississippi (Dem.), also spoke in favor of the bill. Senator Pendleton moved that the first section of the bill be amended so as to require the Civil-Service Commissioners to be confirmed by the Senate, which was agreed to. On Saturday the debate was continued. Senator Ingalls characterized the bill as a cheat designed by either party to defraud the other, and Senators Voorhees and Plumb spoke in opposition to it. On Saturday the bill for the ascertainment of claims of American citizens for French spoliation eighty years ago was passed.

In the House, on Wednesday, the West Point Military Appropriation Bill was passed, the Agricultural Appropriation Bill discussed, and the Congressional Library Bill recommitted, with instructions to the Committee to report a bill for the erection of a library on ground belonging to the United States in Washington. On Thursday, the whole day was devoted to the discussion of the Post-office Appropriation Bill. On Friday, James H. McLean was admitted as a member of the House from the Second Missouri District. The Secretary of State of Missouri had refused to give McLean a certificate, on the ground that the Second District had been legislated out of existence. The discussion of the Post-office Appropriation Bill was resumed. On Saturday, the fast-mail item of the bill was defeated by a vote of 91 to 29.

On Monday the House voted not to take the usual holiday recess, and adopted a resolution fining any member absent during the holiday week without leave or reasonable excuse \$50. On Tuesday, however, it voted, by a majority of 26, to take a recess from December 22 to January 2. It is said the Republican Senators have reached an informal understanding among themselves that they will oppose any resolution for an adjournment over the holiday recess. This will make it impossible for the House to adjourn for more than three days without violating the Constitution.

On Tuesday the Senate passed the Indian Appropriation Bill, with several amendments, among which was one requiring the Secretary

of the Interior to have the approval of the President in setting aside bids detrimental to the interests of the Government.

The Judiciary Committee of the Senate finished the consideration of the Bankruptcy Bill on Monday, and in the afternoon Mr. Hoar reported the Lowell bill with a few amendments which do not change its essential features. It contains, however, an amendment providing that insolvent persons who shall "sell or buy, or agree to sell or buy, for delivery at a future period longer than three days from the date of such sale or purchase, any stocks, bonds, or other securities, or any grain, food, provisions, etc., without such vender being at the time of making such contract the owner or assignee or trustee of the property sold, or agreed to be sold, or the authorized agent of such owner," shall be deemed to have committed an act of bankruptcy.

The House Committee on the Judiciary, after three days' discussion, came to a vote, on Thursday morning, on the bill for the relief of the Supreme Court, and adopted the Davis bill, creating nine intermediate courts. The vote was two to one, the Republicans voting for and the Democrats against the adoption of the Davis bill. The Chairman was instructed to report the bill to the House, and ask its consideration under suspension of the rules at some future day at his discretion.

The Democratic Senators held a caucus on Thursday morning. The principal subject for consideration was the bill for the admission of Dakota to the Union. It was decided to oppose it, and the plan of cutting up the Territory into several States was condemned, partly on the ground that it would make too many Republican States. The Civil-Service Bill was also discussed, but, owing to the differences of opinion on the question of supporting the measure, no conclusion was reached. It is understood that Senators Brown and Voorhees said it would be impolitic for the Democrats to support it. The question of the tariff was discussed, but no conclusion reached. Except on the matter of civil-service reform, the caucus was harmonious. A committee of five Senators was appointed to confer with a similar committee of the House on matters of general party policy.

The Republican Senators met in caucus to discuss the Civil-Service Reform Bill on Saturday. The pending amendments were considered and criticised. The general sentiment was one of approval of all the amendments which have been offered by the Republican Senators. No vote was taken at the caucus, and no effort was made to bind Senators to any particular course, but it is understood that all the Republican Senators, with perhaps one or two exceptions, will vote for the Pendleton bill.

Godlove S. Orth, formerly member of Congress from Indiana and ex-Minister to Austria, died at his home in Lafayette, Ind., on Saturday night. On Sunday, Speaker Keifer designated a committee to attend the funeral, and on Monday the Senate adjourned early in the afternoon as a mark of respect to the dead Congressman.

The report of the committee appointed to examine the methods and results of the management of the New York Post-office says that the postal service in that city is "nearer perfection, all the details being considered, than in any other city in this country."

The President has nominated for Commissioner of the District of Columbia Mr. John F. Olmstead, a real-estate agent, for many years associated with a real-estate firm of which the leading member was Hallet Kilbourn. The nomination is severely criticised in Washington.

A list of Representatives in the next House has been prepared by Mr. Edward McPherson, classifying them as follows: Democrats, 191; Republicans, 119; Readjusters, 6; Independents, 5; and Greenbackers, 2. According to this classification, the Democrats will have a majority of 59.

In answer to a request from Pittsburgh, the Secretary of the Treasury has decided that a Chinaman, now residing in that city, cannot bring into this country, under the Chinese restriction, from China, a wife that he intends to marry, although if he were already married and his wife were in China she could come.

The jury in the new Star-route trial was completed on Thursday, and Mr. Bliss opened the case for the prosecution.

The building in Washington in which is the office of Richard T. Merrick, Government counsel in the Star-route case, was damaged on Saturday evening by an incendiary fire. It is conjectured that the fire was set with the hope of destroying evidence against the Star-route men.

On Monday certain New York papers published the correspondence between James A. Garfield and ex-Senator Dorsey, Secretary of the Republican National Committee, during the campaign which ended in the election of Garfield. From these letters Garfield seems to have reposed great confidence in Dorsey as a campaign manager, and to have asked and received advice from him in regard to the formation of his Cabinet. They are believed to have been given to the press by Dorsey with the object of influencing the course of the Star-route trial.

Representatives of State and other Boards of Health, who have come to Washington to impress upon the National Board of Health the importance of continuing the sanitary inspection of immigrants for the purpose of preventing the introduction and dissemination of contagious diseases throughout the country, held a meeting on Thursday and elected Dr. W. M. Smith, Health Officer of the Port of New York, Chairman. Congress is to be asked for an appropriation of \$25,000 for the present year.

There was a special meeting of the Chamber of Commerce of New York on Monday afternoon to consider the subject of reviving the American merchant marine, and resolutions in favor of free ships were offered and referred to the Committee on Commerce.

About 240 Southern matrimonial and natal associations have been placed on the black list of the Post-office Department by order of the Postmaster-General, and the postmasters at the places where the societies exist have been instructed to return to the senders money-orders addressed to the associations.

Henry James, senior, the well-known author, died in Boston on Monday afternoon, at the age of seventy-two.

FOREIGN.

Wednesday being the fiftieth anniversary of Mr. Gladstone's entrance into public life, most of the English newspapers printed articles on his career. Many political associations, and the Khedive of Egypt and the Greek Government, sent messages of congratulation to Mr. Gladstone.

On Thursday the *Pull Mail Gazette* said that it was authorized to state that Mr. Gladstone had resigned the Chancellorship of the Exchequer, and that the Right Hon. Hugh C. Childers, Secretary of State for War, had been appointed his successor, and on Saturday it was announced that the changes in the Cabinet had been completed and that the new Ministers had taken the oaths before the Queen in Council. They are as follows: Lord Derby, Secretary of State for the Colonies; Lord Kimberley, Secretary of State for India; and Lord Hartington, to succeed Mr. Childers as Secretary of State for War. It is understood that it was intended to make Sir Charles Dilke Chancellor of the Duchy of Lancaster, but that the idea was abandoned on account of the difficulty of conferring an office so closely connected with the Court upon one entertaining such views concerning the civil list as those which have been expressed by Sir Charles. It is said to be certain, however, that he will soon enter

the Cabinet in some capacity. On Monday the London *Times* said that obstacles had been raised to Lord Derby's appointment to the India Office, owing to the views he expressed in his speech at Manchester in relation to Egypt.

In the above-mentioned speech, which was made on Wednesday, Lord Derby rejected the idea of a protectorate for Egypt. England ought not to remain in Egypt longer than was absolutely necessary to restore order. English influence in Egypt should preponderate, but it was not necessary to exercise it in an offensive spirit, nor to exclude free and friendly consultation with France.

In the same speech, Lord Derby, touching upon the Irish question, gave it as his personal opinion that several millions spent in promoting emigration from Ireland would be a profitable expenditure. He believed that in a few years, despite the Land Act, small tenants in Ireland would be just as dependent as ever on the forbearance of landlords. He thought the Government should abstain from encouraging fresh large proposals for legislation in regard to Irish land, and should refuse to listen to the claim for Irish nationality in whatever disguise it should be presented. An Irish Parliament would certainly lead to a separation.

On Thursday morning two important arrests were made in Dublin in connection with the murder of Lord Cavendish and Under-Secretary Burke. They were made on the evidence of informers, and one of the prisoners has been identified by persons who were in Phoenix Park on the night of the murder as one of the men seen on the car on which the assassins rode. The detectives believe that they have got a direct chain of information in regard to the murderers. This was the news on Friday, but on Saturday the despatches said that although the authorities were in possession of valuable information in regard to the existence of secret organizations, they had not got a step nearer to the conviction of the Phoenix Park murderers. The two men arrested on Thursday have not been identified as the assassins. On Saturday evening Earl Spencer issued three new proclamations offering rewards for information relative to the Phoenix Park murders, including one of £5,000 for information leading to the conviction of the assassins, the authorities promising to insure that the names of the informants shall not be divulged.

On Friday, Patrick and Myles Joyce and Patrick Casey were hung for participation in the murder of the Joyce family at Maamtrasna on the 17th of August last.

On Monday Mr. Parnell opened a branch of the Irish National League at Cork. In his speech on the occasion he said the purpose of the League was not to serve any one class, but that its efforts would be devoted to national objects and the advancement of the Irish people of every class. A banquet was given to Mr. Parnell at Cork on Sunday, at which Mr. Parnell said he would always oppose any attempt of the Government to land emigrants in a helpless and penniless condition on the shores of the Eastern States of America. If England desired to promote the emigration of Irishmen, let them be placed on land in America, provided with homes and means to raise a crop the first year of their residence. He advocated relief for the crowded districts by purchasing for the people vast tracts of grazing lands in Ireland which were peopled before the famine. There was no reason, he said, why they should not be peopled again. He estimated that £3,000,000 arrears of rent would be wiped out by the Arrears of Rent Act, and believed that since the commencement of the agitation £3,000,000 reduction of rent had been obtained for the people. The Land Courts, under the present system, would take twenty-five years to settle rents. Such a settlement, he said, could never go to the root of the question, which could only be settled by the establishment of a peasant proprietary.

The claims of the laborers required immediate attention, which must be brought about by agitation and organization.

At a meeting of the Organizing Committee of the Irish National League, held at Dublin on Friday, it was decided to merge the Home-Rule Association in the National League.

The correspondent of the London *Times* at Berlin said on Tuesday that the relations between Germany and Russia were the absorbing topic of discussion there. Russian exchange on the Berlin Bourse is lower than it has been since the battle of Plevna. There is a general feeling of uneasiness, although no good cause is assigned for it.

The Cologne *Gazette* states, on what it alleges to be good authority, that the Austro-German alliance, which was originally concluded for a period of five years, and which expires on October 15, 1884, will be prolonged because it has already proved of great advantage and furnishes a strong guarantee for the maintenance of peace. The *Gazette* says that the terms of the alliance are that if either empire is attacked from two sides, the other shall render assistance.

The Austro-German alliance meets with the unmixed approval of the entire German press. The *Germania* says the prolongation of the treaty will effectually bar Slavist intrigues, Russia's expansion aspirations, and French plans for revenge.

In the German Reichstag on Wednesday the Imperial Minister of the Interior in reply to a question by Herr Windthorst, the Ultramontane leader, said the Bundesrath had decided not to give effect to the decision of the Reichstag in favor of the abolition of the law upon unauthorized exercise of ecclesiastical functions. The Government, he said, could not explain the reasons for the refusal, and declined on principle to give the Reichstag reasons for their decisions. Herr Vollmar, Socialist, offered a motion declaring that no sufficient grounds had been shown by the Government for prolonging the minor state of siege in Berlin, Hamburg, and Leipzig. He said that trifling concessions would make the Socialists abate nothing of their total demands. They had been made revolutionists by repressive laws, which, however, had given them cohesive strength and discipline. The motion was negatived, and the House resolved to take cognizance of the report submitted by the Government concerning the carrying out of the laws against the Socialists. The Reichstag has adjourned till January 9.

A despatch from Berlin says that a committee of merchants has decided to convoke a conference of delegates from all German chambers of commerce, for the purpose of organizing united action against the taxation of Bourse transactions.

A despatch from Berlin says the preliminary preparations for rendering the Weser River navigable for sea-going vessels from Bremerhaven to Bremen have been finished. It is estimated that the work will take six years, and will cost 30,000,000 marks. When completed it will give a great impetus to trade between Bremen and New York.

In the French Chamber of Deputies, on Thursday, M. Tirard, Minister of Finance, stated that the amount of the public debt redeemed in 1882 was 104,000,000 francs. On Saturday the Chamber adopted the extraordinary budget without modification. The Cabinet has decided to postpone bringing forward a credit bill for the Tonquin expedition for the present, but the report of the abandonment of the expedition is said to be without foundation. President Grévy and Admiral Jauréguiberry are reported to have had a difference on the question of who shall be intrusted with the expedition, the former wishing to intrust it to a civil commissioner, while the latter objects to the interference of a civilian in a military enterprise.

The French Budget Committee has decided to vote 23,000,000 francs to maintain the army

of occupation in Tunis. In the debate on the budget in the Senate on Tuesday M. Léon Say said he hoped and believed that the state of the finances was more favorable than M. Ribot supposed. He said it behooved statesmen to place the finances on a sound basis in order to prepare the country for a renewal of the powers of the Chambers in 1885, as it was especially desirable not to accumulate difficulties for that period.

The Paris *Temps* has officially announced the refusal of France to accept the Presidency of the Egyptian Public Debt Commission, and says that France has formulated no counter proposal, but has given England a better idea of the political interests which France intends to uphold in Egypt side by side with the financial interests of her subjects.

News from Madagascar says the announcement of the murder of two Americans on the island has been confirmed. The London *Daily News* says that steps have been taken to call the attention of the United States Government to the facts of the case, and that the murder of the Americans is believed to have been due to the measures taken by the French representatives in Madagascar to prevent the Malagassy Government from exercising authority on the west coast of Madagascar. At a banquet given to the Malagassy Envoys, at present in London, on Thursday, the principal Envoy, replying to a toast, said he wished that right-dealing men from Europe and America would go to his country, taking there commerce and everything which would advance the people. He said that Madagascar did not wish to quarrel with France. It is stated that if Germany declines to make a treaty with Madagascar, the Envoys will visit the United States after completing the revision of the treaty with Great Britain.

At a meeting of the Geographical Society in Paris, on Sunday, M. de Lesseps promised that the Panama Canal would be ready to be opened in 1888. He said the health of the employees was satisfactory, and stated that the rate of mortality in Panama did not exceed that in France, and maintained that the fears that the canal would be liable to destruction by earthquakes were quite unfounded.

A despatch from Cairo on Thursday said that the Government had requested Arabi and the other prisoners sentenced to exile to be ready to start within ten days. Allowances have been granted them from their properties which were confiscated. The property belonging to their wives was not confiscated. The leniency shown to the prisoners is said to have produced a good effect upon the Arabs. Lord Dufferin has submitted to the Egyptian Government a scheme to reform the native courts of justice. He proposes that the tribunals shall be presided over by European judges, and that the code be, as far as possible, similar to that of the international tribunals.

It is stated that the Sultan of Turkey is becoming deranged. He has had built for himself an armored carriage, bullet and grenade proof. He is in constant fear of assassination, and the palace is practically in a state of siege, no one being allowed to enter unless summoned.

The Spanish Government proposes to settle the Parliamentary oath question by admitting either an oath or affirmation, and on condition of a promise of fidelity to Alfonso to omit the words "legitimate King of Spain." On Thursday, Señor Rivas, a leading supporter of Marshal Serrano, made a declaration that all the members of the Dynastic Left would accept the Constitution of 1876, and if called to power would reform it in a liberal sense on the lines of the Constitution of 1869. This is a complete abandonment of Marshal Serrano's original programme, and is practically the programme defended by Señor Sagasta in the Senate last week. The declaration caused great excitement in the Chamber.

TAX REDUCTION AND DEBT REDUCTION.

AMONG the popular fallacies now in circulation is one brought forward to sustain the free-tobacco bill, and to justify the repeal of the internal-revenue system generally. It is that since the national debt, or a large part of it, draws only three per cent. interest, while money is worth seven per cent. to the taxpayers, it is unwise to pay off the debt so rapidly—that we ought to reduce the revenue to the lowest point possible, and “let the money fructify in the pockets of the people.” If this is a good argument against paying the debt rapidly, it is good against paying the principal at all. It is like saying that we should be better off if no part of it had ever been paid—that is, if it were about \$1,000,000,000 greater than it is—for in that case we should have been earning seven per cent. with the money all the time, whereas, the debt has always been running at a less rate, and generally at a much less rate; and in short, that the national debt is a national blessing. It is assumed that the whole \$1,000,000,000 would have been saved by the taxpayers and converted into capital—not spent unproductively, not lost, but saved and invested in such manner as to yield at least seven per cent. per annum. Otherwise there would be neither force nor pertinence in the argument.

The confusion of ideas which all this implies arises from the habit of looking only at the money which passes from the taxpayer to the bondholder—looking at the sign instead of the thing signified. As money is only the vehicle by which the real operation is facilitated, we must look deeper to find out the essence of the transaction. The operation of paying either principal or interest of the public debt is an operation of distributing the national earnings among the various members of the community by law. The national earnings consist of wheat, cloth, iron, fuel, and whatever we produce by our labor. In the absence of any debt, it would not be considered desirable for Government to take a portion of these products every year and hand them over to a particular class who are not rendering a corresponding service. So long as the debt continues, this is unavoidable, but the question how long the debt ought to continue is to be answered by a simple arithmetical computation. There are, say, \$350,000,000 of three per cent. bonds outstanding, which the Government has the right to redeem. If they are redeemed at the end of three years, this arbitrary distribution of the national earnings will amount to \$350,000,000 principal, plus \$31,500,000 interest, total, \$381,500,000. If the payment is prolonged to ten years, the total will reach \$455,000,000; if to twenty years, \$560,000,000.

The fact that the people can earn six or seven per cent. with their money does not affect the case at all. There are no presumptions to show that they would make better investments than the persons to whom it is paid—namely, the bondholders. In fact, the presumptions are the other way. The bonds represent capital in the hands of the holders; and when they are paid off, the sums they receive will in ninety-nine cases out of every hundred be

reinvested as capital and not squandered. There is no reason to suppose that anything like the same percentage would be laid aside and converted into capital if the money were left, as the saying is, “to fructify in the pockets of the people,” especially when we consider the countless dribbles in which it reaches the Treasury. As a general thing, when a tax is removed from an article, the consumer will buy and consume more of it, instead of putting the difference into the savings bank. This would undoubtedly be the case if the tobacco tax were repealed. The assumption that the money, if not taken, will “fructify in the pockets of the people” is without any substantial foundation. It is much more likely to fructify if it goes to somebody who has already saved up the equivalent of it in a Government bond, and who depends upon the interest, that is, upon the usefulness of it, for his living.

We have, therefore, nothing left to consider but the question whether, in the case mentioned, it is better to discharge a given debt by paying \$381,500,000 or by paying \$455,000,000, or by paying \$560,000,000. It may be asked whether it would not be better to pay the whole \$350,000,000 now, and thus save all the interest. It would be better if it were convenient, but it happens to be inconvenient to pay so much at one time. The whole question of national-debt paying is one of convenience. If those who argue for a less rapid reduction can show that it is inconvenient to those who pay—not to those who receive—and more inconvenient than prolonged interest payments, they may make out a case. But to do so, they must prove that a forced distribution of the national earnings is a good policy *per se*, and ought to be perpetuated.

THE “CORNER” AND “FUTURE” INQUIRY.

THE inquiry into the effect of “corners” and “futures” on public morality which a committee of the Legislature is carrying on, has assumed a distinctly bouffe character and reflects but little credit on all concerned. Indeed, it is enough to make a New Yorker hang his head for shame to have an official investigation of this kind pending in one of the leading commercial cities of the world. The appearance of the clergy in it is particularly regrettable. Every man cuts a somewhat ridiculous figure who undertakes to throw light on a subject of which he confesses he knows nothing, and in this position the ministers summoned by the Committee seem to place themselves with a certain solemnity when beginning their testimony. The effect of their testimony is to make them a laughing-stock to the profane, and especially to the dealers in “futures,” and to diffuse an uncomfortable suspicion that the Committee called them in order to diminish popular respect for their office.

The Rev. John J. Reed's testimony, in the course of which he quoted Proverbs against “withholding” corn, and in favor of prompt sales, and Amos against false weights and measures in the grain trade, was a melancholy example of the way in which a simple-minded clergyman may sometimes be betrayed into providing popular entertainment by the in-

judicious use of his professional lore. He had prefaced these citations first by acknowledging that he had no practical knowledge of his subject, and then by some politico-economical utterances which it is to be hoped have been jumbled by the reporters. If he is correctly reported, one does not know what comment to make on the dicta that “prices should be made to depend as far as possible upon the law of supply and demand,” and that “other influences affecting prices should be looked on with suspicion,” and that “there was a temptation to commit fraud where the right to property, and not the property itself, was transferred.” Mr. Reed laid down these doctrines, he said, as a “teacher of morals”; but no one is fit to be a teacher of morals in our day, at least to business men, who has not some little knowledge of jurisprudence, of political economy, and of the casuistry of trade. It is to be hoped the theological seminaries have found this out.

The two witnesses who have up to this time distinctively made their mark in the proceedings are Henry Ward Beecher and Jay Gould. Mr. Beecher took in the farcical side of the inquiry at a glance, as proved by confessing himself a dealer in “futures” by profession. But in answering the numerous silly questions which were afterward put him, he gave the Committee some very valuable, though very elementary, lessons, both in political economy and applied morality. That these lessons were much needed may be inferred from the fact that he was asked “how he would regulate the standard of prices for commodities”; “whether nature does not contribute something to the value of the necessities of life”; whether the prices of breadstuffs are not affected by “the laws regulating climate, the atmosphere, and various other causes controlled by the Deity”; what his opinion was of “the natural value of a field of wheat”; “what is illegitimate speculation”; and what was “his opinion of a man who does not try to cultivate Christian principles by controlling his temper.”

Jay Gould showed himself a complete master of the whole subject, and his evidence might really be called a useful little lecture on speculation in produce and stocks. He holds, as everybody must hold who knows anything of the history of speculation, that the great check, and the only practical and effective check, on speculation in anything, is the great losses sustained by the vast majority of those who speculate. No legislation can provide a substitute for this. He holds, too, that corners in grain almost always result in giving higher prices to the producer, and thus stimulating production, while the losses fall on those who make the corners; that the less we interfere with traders, and the more we leave their rewards and punishments to the operation of natural laws, the better we make our market and the more capital we draw hither from all parts of the world; and the more capital there is, the more difficult “corners” and all other illegitimate transactions on a great scale become. Congress was, during the war, very much annoyed by “corners” and “futures” in gold, which it held were got up by the enemies of the country, and other wicked persons, to discredit the Government. Under the lead of

Thaddeus Stevens, it passed an act forbidding speculation in gold. Gold instantly rose higher than ever, and the act was soon repealed. The lesson ought not to be forgotten by this time, and yet this very foolish inquiry makes it seem as if it had been forgotten by the politicians, and as if some of our ministers had never heard of it.

There is one species of speculation to which inquiry ought to be directed, and which is as much within the purview of legislation as any other breach of trust, and now constitutes one of the crying scandals of American finance, and that is the speculation of railroad officers in their own stocks. Much of this is as fraudulent as any confidence operation, and much of it, though perhaps not all, could be reached by criminal justice, or by State supervision. State supervision, at all events, could prevent to a considerable degree the management of roads in support of a "short" interest in the stock on the part of the officers, or, in other words, the plunder of the stockholders in aid of the speculations of their agents.

THE BRITISH MINISTERIAL CHANGES.

MR. CHILDERS, who is to take Mr. Gladstone's place as Chancellor of the Exchequer, is the second person who has under him held that position after receiving his political training in Australia—a curious illustration of the reflex influence of the colonies on English social and political life. The career of Mr. Lowe, now Lord Sherbrooke, who was the first, in fact remarkably resembles Mr. Childers's. Both are sons of clergymen, both graduated with honors at Cambridge, and both went to Australia as soon as they left college. Mr. Lowe, however, practised successfully at the colonial bar, while Mr. Childers went at once into colonial politics, and rapidly became a leading man under the then newly-established government of Victoria, devoting himself mainly to questions of trade and finance. Both stayed in Australia seven years, and both then came back to England, and entered Parliament, and rapidly got into office, and both finally became Chancellors of the Exchequer under Mr. Gladstone. It is to be said, however, that Mr. Lowe did not fill the place successfully, and his mistakes had much to do with bringing about the defeat of the Liberals in 1874, although his unfitness had been recognized in the previous year by his transfer to the Home Office. It was his breakdown, too, which first led Mr. Gladstone to assume the double duty of First Lord of the Treasury and Chancellor of the Exchequer, from which Mr. Childers's appointment relieves him.

Mr. Childers was First Lord of the Admiralty under Mr. Gladstone's first Ministry in 1868, but had to resign in 1871 from ill health. His strength lies mainly in his organizing power, of which he gave striking proof while in the Admiralty, and still more striking proof recently in charge of the War Office, in which it has fallen to his lot to carry to completion and improve upon Lord Cardwell's great scheme of army reorganization. His experience in financial and mercantile affairs, owing partly to natural taste and partly to the possession of a large private fortune, is very great, and he has from time to time issued pamphlets on

financial topics which, though not popular in the ordinary sense of the word, are considered weighty in "the City." He differs from his prototype, Lord Sherbrooke, also in believing in popular government, or, at all events, not fearing it, and in feeling that the best days of the human race are not yet over.

Lord Derby, who is said to be coming into the Cabinet too, but whose views, if this be true, about Irish Home Rule appear to differ curiously from Mr. Gladstone's, is the great English apostle of common sense. He forms a striking contrast in temperament to his father, who used to be called the "Rupert of debate" by his Tory contemporaries, and whose fervid genius and habit of dealing with questions offhand used to scandalize his painstaking and unimaginative son when he came into public life, and furnished at least a foundation for the story that the son observed, half in despair, "that if his father would only work he might come to something." Lord Derby really belongs to a very large type of Englishmen in whose lives the imagination plays little part, and who are always standing on guard with a kind of heroism against the illusions created by the feelings, and who make "seeing things as they are" the great business of man on earth. If it was not for a dogged courage, which nothing can dismay or dishearten, and an endless capacity for toil, the type, which is a very large one, would long ago have arrested the stream of English progress, and given the state a distinctly Chinese civilization.

No public man now living can equal Lord Derby in seeing both sides of any question. Of this his dealings with Russia when he was the Foreign Secretary of the Beaconsfield Cabinet furnished an almost comic illustration. He used to furnish the deputations who came up to see him about the Russians or about the Turks with such excellent summaries of the reasons both for action and inaction, that he dumfounded and reduced them to silence. He can talk common sense, too, on any subject by the hour, and is for this reason particularly happy as a popular lecturer on wages, or thrift, or land-tenure. In discoursing on themes like these to plain people, he has all the air of a man who is constantly trying to get the very most out of life, on an income of about \$1,000 a year.

Lord Hartington's transfer to the War Office has no special significance, nor has Lord Kimberley's to the Indian Affairs. Lord Hartington has the Derby temperament, but with much less capacity for work. In fact, he is supposed to carry on a perennial and almost desperate conflict with constitutional indolence; but he has steadily grown during the last ten years in the House of Commons, speaking little, though always with force. Though the heir of a great dukedom, he shows, in the fidelity with which he follows the explorations of Gladstone's daring political imagination, that he has not only the traditional courage of his order, but that unquenchable faith in English political ideas and in the destinies of the English people which has always saved the English aristocracy from drifting into the attitude of sulkiness and alarmed isolation, of which the French nobility furnishes such a melancholy example.

FRENCH COLONIZATION.

THE French Government has within two or three years been displaying an extraordinary eagerness to plant colonies and acquire dependencies in semi-barbarous countries. The same spirit showed itself during the latter part of the seventeenth century and the early part of the eighteenth, under the old monarchy. Extensive territories were seized in America, and a very large emigration for those days was poured into them, and settlements were made in India which seemed to promise at one time the rise of a French empire in that region to compensate France, as England was afterward compensated, for the loss of her possessions in America. Under the Empire, however, all colonial aspirations were utterly abandoned, and whatever spirit of adventure there was in the people was absorbed by European wars and attempts at European domination.

The Monarchy of the Restoration, to which the field of European conquest was necessarily closed, tried to revive the Bourbon traditions by the seizure of Algiers, now nearly fifty years ago, but there the matter ended. The Algerian colony has not succeeded. It has not yet got beyond the garri-son stage. Few Frenchmen go there, and, when they go, show but little ability to get on without Government supervision or protection. Of late years there has been somewhat more progress, but it is slow and sickly. After the Algerian conquest, too, the great fact began to show itself that French population was stationary, and likely to remain stationary. This, when it first became apparent, about forty years ago, startled French politicians and surprised economists everywhere. During the early part of the present century it was the fixed belief of this latter class that, peace being restored, the French people would multiply enormously, as the Irish had multiplied. One English economist predicted that by our time France would be "the great pauper warren of Europe," and would furnish hewers of wood and drawers of water to all other countries. The French, however, refused to multiply, and, under the new social régime, began to display that deeply-rooted love of home and preference for thrift to adventure as a means of growing rich which are now such potent factors in French politics.

This killed all colonizing schemes on the part of the Government, and led the Second Empire to take up once more the rôle of an arbiter in European politics, and to attempt extensions of the French territory in Europe. It recognized the fact that, as the London *Economist* recently remarked, the French people have never supported their Government in schemes of distant aggrandizement; that nothing beyond the seas touches the French popular imagination. In fact, the French mind has always refused to take in the geography of the globe, and remains in much the same condition about the earth, in spite of all the schools and colleges can do, as that of the ancients in the days of Herodotus. The world for it contains France and two or three adjacent countries, all flat, and beyond them there is the "ocean stream" and Cimmerian darkness. In one of the recent

French opéra-bouffes one of the characters describes foreign parts generally as consisting of "le Canada, les Canaries, les Colonies, et cetera," which is probably as near as most Frenchmen come to realizing the world outside France. Hamerton, in his charming book on French home life, describes a French lady living quite near the Swiss border as being under the impression that Switzerland was further off than England, probably because she saw more Englishmen than Swiss.

The Republican Government is now turning to the foreign-colony enterprise for the same reason that the Restoration conquered Algiers, because it is cut off from republican adventures nearer home. The seizure of Tunis after the absurd campaign against the Krumirs would have been followed by interference in Egypt if that had not seemed to threaten European complications. But it has been followed by an attempt to establish a protectorate over the western and northwestern coasts of the island of Madagascar, against which the Malagassy Government has sent an embassy to Europe to protest, and by a similar attempt to establish one over the Anamese province of Tonquin, over which the Chinese now exercise some kind of sovereignty which they threaten to defend in arms. Finally, M. de Brazza's somewhat ridiculous treaty with King Makoko on the Congo has been submitted to the Chambers, and ratified with amusing haste and solemnity, as if it was a great thing which would make the British pale with envy.

It is pretty certain, however, that the French people will not support these schemes with anything like popular interest and attention, and, when once the novelty has worn off, these colonies will simply prove expensive garrisons, and not homes for French settlers. The reason is not wholly to be found in the absence of a superabundant population such as Great Britain and Germany possess. It is safe to say that distant conquests will never be popular in a country which raises its armies by conscription. Conscription is only tolerable when the troops are not likely to be taken far from home. It would be intolerable if they were much drawn on for service in distant and unhealthy climes. One of the great reasons why Englishmen have always so much enjoyed their wars at the far ends of the earth is that they are carried on by volunteers. In other words, the British foreign and colonial empire has been founded and is defended by men who soldier because they like it, and whose departure for the wars, therefore, sends none of the tremor of anxiety through the community which is produced in the Continental states by a scheme of military ambition.

THE DECLINE OF HOSPITALITY.

THERE exists an impression that American hospitality is in a bad way. To a certain extent the foreboding justifies itself. Any one can see that the lavish, unquestioning welcome of a primitive community to all claimants has well-nigh vanished; it lingers only on the frontiers; it is disappearing even from the South. In the cities, we keep our houses for ourselves and for our friends, especially our previously-invited friends. Nevertheless, among one class of Americans the

tendency is for hospitality to grow freer and more diffuse. Nowhere is there a readier or—if one may so express it—more luxuriant hospitality than among very rich Americans. They fill their country-houses every summer. The traveling foreigner has some ado to save his digestion from their multitude of dinners. And the fashionable custom of always laying extra covers at luncheon for possible guests, speaks loudly for their ever-ready cordiality. Nowhere, too, is the entertaining more genuine, cheerful, or informal. Unhappily this charming hospitality stops with the very rich. They, truly enough, open their houses to their friends. The rest of us are apt rather to bar them, taking down the bars only on special occasions and with due formality. We still have to give the members of our own and our husband's immediate families bread and lodging, though no invitation have summoned them. But other people we keep civilly at arm's length. Our transient hospitality is as rigid. We do not like to have guests on the spur of the moment. How many husbands, for instance, venture to bring a friend home with them as often as inclination prompts? Men are hospitable by nature. They enjoy unceremonious entertaining. It pleases them to display their wives and children and houses. But, commonly, their wives are of quite another mind. The luckless husband is apt to run full tilt against some sacred household ordinance of washing, or ironing, or baking, with the saddest results to the family peace. His rash and ignorant good feeling hurries him into invitations and makes him forget that the day is Monday, a solemn occasion of purification, a day fittingly observed by a semi-fast, or that it is Tuesday, when we iron, or that a dressmaker is in the house, and all the week must be spared. But enlightenment comes soon. A succession of catastrophes teaches him a wise timidity. He grows wary through tribulation. The chances are so much against his hospitality hitting a day when no harm will be done, that he gives up asking his friends to risk them. Instead, if he lives in a large city and can in any wise afford it, he joins a club and takes his friends there. If he lives in the smaller towns, he can only gratify his sense of the obligations of good-fellowship, in a saloon, by "setting up the drinks." Neither of these alternatives is to most wives' taste; but they are the popular alternatives just the same.

Hospitality, then, would not appear to have waned among men; it has merely changed its form—and its place. The real decline has been among women. Yet very rich women are indefatigably hospitable; to be a delightful hostess is part of every "great lady's" social equipment. Behold a mystery. Here is one class of women actively promoting hospitality, and another class—many of them the equals of the first in everything save money—stubbornly though silently narrowing its limits. The mystery, however, is shallow. When all is said, hospitality is a sort of barbaric virtue only half acclimated in civilized climes, and thriving best among the class that has the nearest approach to the barbaric leisure and recklessness.

The barbaric welcome is fascinating, but, after all, it costs the barbarian little. The coming of a stranger is a pleasant break in a monotonous life. The barbarian has plenty of time on his hands; generally he has a rude plenty of provision and service; when he has not, he is too reckless of the morrow to be troubled, and shares his last crust with a stranger without dread of future hunger. Just how much improvidence has to do with generosity one does not venture to say; but, certainly, most of the hospitable races have been improvident—which holds true with the civilized as well as the barbarians. Take the Scotch Highlander, or the Irish peasant, for example. Now, the whole tendency of industrial civili-

zation is to make men more provident. At the same time life constantly becomes more crowded; compared with an Arab sheik, all we civilized people are in a hurry. So it happens that we are at once too prudent and too busy to be barbarously hospitable. The single class possessing the barbaric requisites for hospitality—recklessness and leisure—is the very rich: they are hospitable.

There is another reason, possibly going deeper. One result of the generally diffused ambition of Americans is a general pretence. We all hope for better things than we enjoy, and meanwhile most of us try to seem to have captured more of them than we have. This pretence is a very deadly foe to hospitality. Barbarians are comparatively free from it; ignorant savages that they are, they have no "company dishes" or "company manners." The very rich resemble the barbarians, making little change in their manner of living for ordinary guests. But the average American woman is always struggling to live better before the outside world than she can before her own household. She "makes a difference" for "company." Hence these tears. As a rule she has too few servants for the work of her house; and "making a difference" involves additional work, which, flung on already overburdened shoulders, reacts on the servant's temper much as it would on that of any one else. Thus she comes to dread her husband's thoughtless hospitality, liable to light on Mondays, Tuesdays, or that awful season when the house is, as it were, recreated and goes into a preliminary chaos. In truth it is her lack of service, not her lack of kindness, which makes her less hospitable than her rich acquaintance with the extra covers at luncheon. She has no leisure, because she tries to live outwardly as well with her three or two or one servant as does a woman with six. The disproportion, often, between the house, the dress, the table, and the service of an American family, especially outside the great cities, is something appalling. All over the land are women with large houses and a single maid-servant. The woman's husband is not poor, and the house is expensively furnished. Perhaps there are three or four children. By economy and clever observation, and doing dreadful things to her back over a sewing-machine, she contrives to dress her children and herself as "stylishly" as does her richest neighbor. This is a triumph. A triumph, also, is her little feast when she opens her doors to invited friends. But at other times the labor of the household is so ingeniously parcelled out that there are no spare chinks of time or thought for idle, aimless, unrequited hospitality.

Doubtless there is much to be said for this hard-working creature's refusal to do more than she does. Indeed, how can she?

JOTTINGS IN VIRGINIA.

NOVEMBER, 1882.

THERE are great new piers, storehouses, and coal-dumps at Newport News, and around them the dwellings of the workmen, with plenty more going up. The place has become a railway terminus, and, having deep water for ships without the annoyance of a bar for them to pass over, is to be made a great port. It is no longer an argument for not making a place a port that it is not one already. The age of short lines to tide-water and quick seizure of points of vantage on all our coasts has arrived. The stir at Newport News recalls that going on contemporaneously at San Diego, at the other extreme of the continent, though the enterprise there is at present not quite in the same hands. The Chesapeake & Ohio is a "Huntington line," just as

there are elsewhere Gould lines and Vanderbilt lines. Huntington, President already of the Central Pacific and Southern Pacific Roads, is anxious to have a transcontinental line. This is his ambition in life. Well, building here, buying and leasing there, and *en route* establishing a thriving city named after himself on the Ohio River, he bids fair to accomplish it, and that very briefly. He will make complete connections across the Southwest, running by way of Richmond, Louisville, Memphis, and Little Rock, with his Southern Pacific Road in Texas. Newport News will be the eastern terminus at tidewater of his new short line, and, as things have gone in the past, it is difficult to see how a city can fail to spring up there. And later on, if this should be accomplished, with so flourishing a city as Norfolk on the opposite side of the wide mouth of the James, and the favorable anchorage and climate, it will be according to all precedent if many important settlements should arise all round the circle of these waters.

Our train follows nearly the line of Keyes's advance, when he moved out in command of McClellan's left wing, keeping near to the bank of the James, ten months after Butler's repulse. It was my first visit to the country, and I confess that these war memories interested me more than anything else. There is very little actual provender for them along the way at this distance of time. I found a one-armed Virginia colonel in the train who was willing to talk a little about them, and I carried a copy of Webb's 'Peninsula' in my satchel, but they proved equally uninteresting. Here and there, as at Lee Hall, was a slight vestige of earthworks, gloomy mounds like beaver-dams, set between the trees of the forest along some brook or depression in the ground. It is at such points—a ravine, a morass, or petty bridge—that men die in war, filling up with their bodies the inequality of surface, as in a circuit of electricity the deadly spark of havoc leaps forth most fiercely where the direct way of communication is interrupted.

At quaint old Williamsburg, the seat of royal power in the colony of Virginia, is another trace of earthworks. Here Hooker lost 2,200 men. There is an attractive glimpse of sundry steeples and gambrel roofs, some of which seem green with moss. The railroad does not take pains to go too close to its curiosities, but, after the manner of the Levite more than the good Samaritan, passes them by on the other side. It is said that the Williamsburgers, content with their traditions of two hundred and fifty years, at first objected to the railroad, but they are now highly reconciled to it. The face of the country cannot have changed a great deal since the war. The railroad has some new stations, endowed with such names as Argenta and Oreana, which seem quite in the forest primeval. The Peninsula, in fact, has been more shunned by immigrants than some other parts of Virginia, on account of its having been early made an especial rendezvous and paradise of the colored people. They flocked into it when Butler held command at Fortress Monroe, and have never since gone away. They fish and take oysters a little in the rivers on either side, scratch the ground for some small corn patches on the large, unimproved estates, and principally, if their white neighbors may be believed, "trifle" and "frolic."

We met the Chickahominy, in a lake-like bend partly veiled by pine-trees, at a station called Lanexa; then were presently crossing the battle-field of Seven Pines, at Fort Lee. It is a good fighting country this, for the tactics of regular warfare—level and clear but for a short scrub growth which must have come up since. There is a redoubt of red earth and the stylish new station of the railway to look at. Whoever

would have realizations of the carnage of the Titanic contests hereabout, must draw them principally from his own imagination.

I advanced upon Richmond with much greater ease than the predecessors we have been considering, yet I cannot honestly call it a great prize to enter into the possession of. It does not correspond with preconceived ideas of the capital of a great State for which so much blood and treasure were poured out. I should call Richmond at present a rather shabby-genteel place, though it must be remembered that a part of it was burned and rebuilt. The best hotel is a very poor one; there are no large trees in the streets, and there is an absence in the dwellings, even those of the better class along the fashionable thoroughfares of Franklin and Grace Streets, of that air of genial breadth and comfort which has been supposed to be characteristically Southern. It is surpassed even by Norfolk in this respect. On the other hand, the modernness by which this is replaced is of the most cold and tasteless pattern. Rents are high in Richmond, I was told; it has now its eighty thousand people, and it presents along the James River a scene of active manufacturing in the departments of iron, of flour milling and warehousing, but it needs nothing so much as either a going back to old Southern traditions in the matter of building, or a start in that modern architectural and decorative movement which has taken possession of so much of the rest of the country.

I went to see Libby Prison. It is a fertilizer factory now, with an undesirable odor. There is no dungeon air about it. It is a long, stout brick building, once used as a tobacco factory, and rows of stout square posts uphold its three floors. It was only necessary to clap gratings over its windows, and there was a prison ready-made. One could camp out there for a night or two with a pallet, or even a blanket, comfortably enough. The hardship would be in the duration of it. There are some rude checker-boards marked out on the floors on which the captives cast themselves down, and vestiges of a tunnel through which eighty of them made their way out, coming up through a horse-stable and taking to the fields. The visitor need not fear to intrude. The place has become, in connection with the fertilizer industry, one of the few show places in this poor modern America of ours, and there is a talkative young cicerone to show you through. Every few days, he says, some old inmate comes back to muse again upon the scene of his incarceration. They tell him all sorts of anecdotes, and he writes them down in a book, which he says he intends to have published. I resisted the temptation to represent myself as a returned veteran, but endeavored to ingratiate myself in the next most effectual way by purchasing for an exorbitant price a good-for-nothing lithograph, with which a splinter of the floor was thrown in. Belle Isle, again, is a mere bare islet in the river, with a knoll in the centre and the pier of a railroad bridge resting upon it.

Hollywood Cemetery looks down upon Belle Isle. In this cemetery one of the most dignified monuments I ever saw has been erected by simply piling up a great pyramid of rough, uncemented stones, and training ivy upon it. It is to the memory of the Confederate dead. A great Confederate lies buried elsewhere, at the top of the principal slope of the place. A careful hand keeps his grave yet rounded and flowers lying upon it. "Maj.-Gen. J. E. B. Stuart," the lettering reads on the granite shaft, "Confederate States Cavalry, Wounded May 11, died May 12, 1864. Aged 31 years." The oak leaves were drifting down, and thick under foot; there were red holly berries to be seen among their glossy dark-green leaves; a Jacqueminot rose or two was yet in bloom, and it was very quiet

there. Such fire and dash lying so still and unresisting under that bit of mound! The select club of Richmond is the Westmoreland, which occupies one of the few large old houses, and manages to keep up a certain stately air, while some one or two others have but a poor existence. There is to be seen on the walls of the club a portrait of this "Jeb" Stuart, which represents him with a long sandy beard, costumed in gray, with a peculiar kind of backwoods' dash, not unlike our own Custer in effect. The fashionable drive of the Richmondites is a bit of level road, by a reservoir, with white fences around it, and a race-track at one side for extra fast going. People go up one side of the short boulevard and down the other, and repeat. There are said to be more teams, in proportion to the population, in the place than almost anywhere else, but they are not often elegant, and the roads are very dusty.

I went from Richmond to Charlottesville. There had been a spatter of snow and hail in the afternoon; and though it passed over, so that we saw Louisa Court-House and other small stations, of which Gordonsville is the largest, and the pleasant-looking country about them, by moonlight, it was still cold. The old negro who showed me to my room at the hotel spoke of it as a good night to sleep in a feather-bed, calling my attention to the fact that I had one. I walked all over Charlottesville at once, stretching my legs before retiring, as, I make no doubt, is the way of many other travellers. It was sunk in profound slumber at half-past nine, the hour of arriving. Only a light or two burned in some of the large brick houses which looked imposing in the dark. They were less imposing by daylight, but still comfortable. Charlottesville has made a good deal of money in its time from tobacco. It is doing something now, also, in wine-growing. There is at one part of the town a sort of little plaza containing a rusty old yellow-washed court-house, with a classic portico and a Dutch cupola painted green. The shabby brick buildings around it had their shutters up for the most part, and seemed to be in the occupation of negroes. Jefferson once practised in the court-house. Saddle-horses were tied to the fence-posts, and rusty country lawyers with a self-satisfied air were seen going in and out of the offices.

Charlottesville contains the University of Virginia, a really charming place, without reservation, which I am glad to have seen. It is a little out of the town, and stands on a rise which makes the outer face of the buildings a story higher than the inner. They are in red brick, profusely colonnaded with white columns, and date from 1825. The main interior quadrangle is particularly attractive. I know of no other educational institution that has so genial a feature. A one-story colonnade, with students' rooms behind it, broken from space to space by professors' houses with classic porticos, borders each of two sides of a long level lawn. A third side is stopped by a great porticoed edifice, containing among other things the library, a round-domed room within, on the principle of the British Museum. The fourth side is open, looking off upon a pleasant country and blue hills. Toward this a student was seen stealing off now and then with his gun. The university, it will be remembered, was the last pet of Jefferson in his old age. Assisted by his accomplished daughter, Mrs. Randolph, he had the professors and students to dine with him regularly, taking them in turn, over at his seat of Monticello near by. I learn from a printed copy of some reminiscences with which an old alumnus favored the last Commencement that he made it a point to put each young man at his ease, finding some subject, as perhaps a person

of importance or a family from the part of the State from which he came, about which he could talk with confidence. It is a pity that such kindly and admirable manners are not more extensively imitated. This institution of learning prides itself on having been established on the eclectic or voluntary system of studies at the very first. The usual four years' curriculum and all "the old unmeaning titles," as they were called, were swept away. The student was to finish his course soon or late, and he was to be simply "Graduate." These were among the minor innovations of a man who was never afraid of anything new, who had more than anybody else to do with the abolition of primogeniture and entail and the separation of Church and State, and was once looked upon as a very dangerous radical indeed. The title Graduate was in time found not wholly to serve, and later there have been established Proficient; Graduate (of a school); Doctor of Philosophy (in a number of varied departments); Bachelor of Arts, and Master of Arts, the last two not differing greatly in significance from those to which we are used. In the library hung portraits of the same Jeb Stuart I had seen at Richmond, and of Lee. "You have heard of them," said the custodian, pointing with a thumb turned back. "Well, rather," I could afford to reply. It is fortunate that we can both have our side in the little joke. They fought magnificently, and gave us a world of trouble, but we beat them.

Mrs. Jeb Stuart, I may mention, keeps a school at Staunton—a notable place for select young ladies' schools, said to be chosen for the purpose on account of its healthful, mountainous situation. The lions of Staunton in "Porte Crayon's" time were its Deaf and Dumb and Lunatic Asylums and its refined society. I cannot judge of the refined society, which did not appear on the street to any great extent, in the throngs attending a sheriff's sale of stock at the court-house; but the others are its lions still. The principal business street is commonplace, with that kind of commonness inhering in the cheapest of little brick buildings. I actually walked through one ward of the Lunatic Asylum, and brought away a knowledge that it is pervaded by the usual odor of chicory coffee and chloride of lime belonging to public beneficent institutions everywhere—which is a fuller report than was rendered by the once so much read "Porte Crayon" himself.

On the way to Staunton and beyond it, in the intervals of gazing out at the striking mountain scenery of West Virginia, I found it interesting to read portions of the article of a young man published in the last number of the *Virginia University Magazine*. It covered all departments of life in the customary way, with a particular application of its philosophy to ourselves. It quite despaired of us in the matter of art. He had had the advantage of listening to lectures and investigating the most famous galleries abroad, yet "the lamented fact must be admitted," he said, "that the overdrawn and weird paintings of Gustave Doré, who is said to be a third-class artist of no genius, have given the writer more pleasure than the great paintings of Raphael or Angelo. . . . If, then, one who was willing to make a special study of this subject for several years, with the aid of the best advantages of Europe, was able to make such poor progress, what hope is there for the masses of our people?" Again, in literature, "a friend of the writer, a brilliant young Englishman, a Hibard scholar, A.M. of London, etc., held it as his opinion that, as things exist, it would be impossible for America to produce a literature of any importance." The writer does not agree to this, and hopes it may be wrong, but gives it only as "the curious and

interesting belief of a man of great learning and good common sense." I do not know how much weight may attach to revelations from such a source, but this from the naïve and sophomoric author, on politics, was the most entertaining of all. Touching on the corruption of the ballot, he says:

"There were two alternatives offered our people: on the one hand, to suffer that blackness of chaos, the negro rule; on the other, the corruption of the ballot. . . . It is dreadful, we admit, to have the very foundation on which our Government rests corrupt and impure; it is pitiable to see old soldiers, who were once proud to call themselves Southern gentlemen, who were ever brave and true, fighting nobly through many battles, forgetting their former worth, and engaging in this wrong; but that blackness, the ruin of that other alternative, were by far the worst to be dreaded. We should pity ourselves that we have to use fraud and corruption because we are placed between two so great evils; . . . but we should never condemn ourselves, for here as well as elsewhere necessity knows no law. For a time this corruption was kept secret, and no man spoke about it; now it is talked of on all hands, and is so apparent that no one takes the trouble to deny it. . . . First, the negroes were offered inducements to come over to the Democrats, and while, through the corruption of the ballot, it was made to appear that many availed themselves of this opportunity, yet in reality this conversion has happened as rarely as the proverbial angels' visits."

W. H. B.

OPENING THE LANDTAG.

BERLIN, November 26, 1882.

THE Prussian Landtag was opened on the 14th instant by a speech from the throne. As it was the first session of a new legislative period, King William delivered the address in person. The old gentleman looked very much broken-down and infirm of age. Formerly stout and erect, with a splendid carriage, he appeared half a foot smaller, with his head inclining to one side. Considering, however, his eighty-five years, it is a wonder not only that he still can stand all the troubles of his position, but that he goes hunting in the country and attends parties and visits the opera-house. My impression is that any day may end the useful and uncommonly long life of a prince whose glory consists in always having fully and nobly done his royal duty.

During the elections for the Prussian House of Deputies the Government most carefully abstained from publishing any particulars of its immediate policy. The royal message, however, gives us an insight into it, and explains why all allusions have hitherto been avoided. In my opinion the late elections would have assumed quite a different character—that is, the Conservatives would inevitably have been defeated—if the King's views, prompted by his Chancellor, had been known before. A year ago the elections for the Reichstag had proved unfavorable to the Government on account of Prince Bismarck's widely-spread plans for new taxes and monopolies. He was too open and communicative then. For this reason he kept his plans secret while the elections to the Landtag were going on. The official and officious press hinted that the Chancellor's former plans had been modified or even laid aside, although people ought to have known that it is impossible to stop on a declivity, and that Prince Bismarck is not the man to give up any of his pet measures. Thus, it was repeatedly stated that the so-called "Verwendungsgesetz," which required the Reichstag to pass new taxes to the amount of 188,000,000 marks, in order to provide the funds necessary for covering the Prussian deficit, was no longer thought of. This statement was true as far as its form was concerned, while in fact not only 188,000,000, but more than 200,000,000 marks are

now to be raised by the Reichstag in order to balance the Prussian accounts. All that Prince Bismarck desires is to exercise a coercion through the Prussian Diet on the German Reichstag, and therefore all the electors of the latter are greatly interested in what is now going on in the former body. If Prussia were to raise the funds necessary for her new budget within her own boundaries and under her particular laws, no non-Prussian would have a right to offer any objection; but as an enormous deficit will be created by the Government, and as the German Reichstag is to be required to make good the Prussian deficit by imposing hundreds of millions of new German taxes to pay the increase of Prussian expenses, people will be wide awake to keep off such a new and heavy burden.

Whether the Prussian Landtag will accept Prince Bismarck's draft, drawn on the Empire, remains to be seen; but so much is certain, that the Reichstag, in its present shape, will never honor such a draft. It has not the least interest in granting several hundred millions by increasing the German indirect taxes for the sole purpose of benefiting Prussia, especially as it has no constitutional authority to determine by its vote how the money shall be spent. Besides, it is utterly impossible to raise so large an amount from indirect taxes if the tobacco monopoly, or a very high tax on tobacco, be not included. The Reichstag, therefore, will reject such a demand. If so, Prince Bismarck will dissolve it, provided he feels sure that the character of the new Reichstag will agree with that of the present Landtag.

There is more method in this policy of creating an artificial deficit than may appear on a superficial glance. Mr. Scholz, the Prussian Secretary of the Treasury, even boasts of the deficit, as if he had accomplished a great triumph, and proposes to perpetuate it by voluntarily giving up the income tax of the four lowest classes. In order to cover this falling off, he further proposes to lay a domestic tax on large articles of consumption, such as tobacco, and on liquors sold in dram-shops—a measure which is unconstitutional, because the Reichstag alone has the right to impose domestic taxes and lay duties on foreign merchandise. As if the masses were not yet taxed highly enough! The Parliamentary Opposition does not object to a higher tax on tobacco, in itself considered, for tobacco does not belong among the necessities of life; but the income of such a tax ought to be spent in alleviating other burdens. A heavy tax on liquors and spirits, of course, is humane and profitable, but it ought to be laid on their manufacturers, the rich real-estate owners in the eastern provinces, who always in the agricultural interest plead for the freedom of their trade, while they poison the people with their mean stuff, belong to temperance societies, and attend prayer meetings. The truth is, that German spirits monopolize the European markets, and can easily bear a tax which will yield much more than if laid on small tavern-keepers and retailers. But not content with this, the Government soon proposes the increase of the duties on timber and wood, which three years ago were passed at the solicitation of the Silesian protectionists, among them one duke, five princes, ten counts (Field-Marshal Moltke one of their number), and about thirty barons, and other agriculturists. To secure to themselves still greater advantages at the cost of the poorer classes they also begin now to cry for higher duties on breadstuffs and provisions. I am not sure whether they will succeed in this or not. Whatever may be the result, the ultimate decision will not be given by the sound appreciation of moral justice and real facts, but by the conflicting interests of the agricultural and man-

ufacturing parties, the latter of whom declare themselves unable to increase further the prices of daily wants. For this reason, probably, no positive result will be reached, and a new loan must be raised to cover the large expenditures, which, with a little good-will, could easily have been avoided.

Let me mention, in this connection, a plan which greatly concerns the United States, too, and which belongs to the same class of schemes that benefit the well-to-do classes at the expense of the poorer people. I allude to the prohibition which the Government is preparing against the importation of American hogs and pork. Our farmers and agriculturists have for years kept up a lively agitation on this subject, and, while theoretically overflowing with pity for their poor brethren, had from the beginning, of course, a single eye to their own profit by excluding all cheaper competition from our markets. The matter is just as well as settled. The other day the Hamburg Chamber of Commerce sent two deputies to Berlin to remonstrate against the measure, but it was in vain. The Secretary told the gentlemen that in a few weeks the Federal Council would submit to the Reichstag a bill prohibiting all importation of American hogs and pork. Thus, the only hope rests in the Reichstag. I trust that it will endorse the Hamburg demands by rejecting the bill.

Our farmers, who have raised this artificial agitation, cannot and will not appreciate the fact that the development of a nation in an industrial and manufacturing direction requires a daily greater supply of victuals and provisions from abroad. Thus, by degrees, we have become a people which imports grain instead of exporting it, and in a like degree we have to import a yearly-increasing quantity of meat. The home production does not suffice to nourish the population, which has increased on a much larger scale than provisions and cattle. The question, therefore, for us, is not whether we must import meat or not, but simply where we can get it cheapest and best. Russia and Austria, which formerly supplied the German markets, have of late been surpassed by the United States, which sell their surplus of cattle and grain not only to Europe in general, but to Germany in particular. It is manifest that these enormous American imports have depressed the price and made the enjoyment of meat possible to the poorer classes here. Thus the mere fact that Germany is provided with cattle and meat by America is a real blessing for our people, which has since improved its standard of living. In fighting the plans of the Government, all our Liberals are led by the consideration that by the threatened prohibition our poor people will lose the opportunity of being nourished cheaply and well, and will be thrust back upon a lower standard. Lard, for instance, has only become a food with us on a large scale since it has been imported from America, while formerly it was a luxury. American lard, in 1879, cost 70 marks (or say \$17) per 200 weight, and German 160 marks; but in consequence of the new tariff the relation of the prices of both of them is 125 to 145 marks.

Now our Government pretends that the American hogs and pork cannot be tolerated from a sanitary point of view, because the flesh and grease of deceased hogs are sold and packed together with those of killed ones; but this assertion is either an unfounded prejudice or a misrepresentation of well-known facts. The great bugbear for intimidating people here is the so-called hog cholera, which is represented as still raging among the American hogs; it is evidently calculated to make German consumers believe that they have to pay for dead and poisonous animals. Thus it appears that the German

Government has no knowledge of the inquiry made about eighteen months ago by Mr. Scanlan, by order of Secretary Blaine, and of the pamphlet, "American Pork," published by this able expert on the results of his investigation. German gentlemen perfectly familiar with American business and the character of American wholesale merchants have explained over and over again that houses which pack and ship millions of hogs are too far-sighted—apart from common honesty and practical considerations—to ruin their reputation and business by a mean trick of mixing fallen hogs with the slaughtered ones. But it was all in vain, and the Secretary of the Treasury still falls back upon his hearsay evidence, which he fortifies with some stale and superficial arguments taken from a handbook on protective duties. It is a singular policy, not only to hurt the commercial interests of a nation which is a large customer of our manufacturers, but also to ruin the pork trade of our seaports. In deeming a tariff and "prohibition" war expedient, our Government overlooks the fact that its subjects will lose more than the Americans, who by revenging themselves can injure some of our most vital interests. This unexpected measure seems like an answer to former American prohibitions directed against German imports, not to mention the antiquated feudal but nevertheless American law which prohibits foreigners from inheriting real estate in most of the older States, and which has not yet been set aside, in spite of repeated remonstrances on the part of Germany, whose citizens, on account of their intimate relations with the United States, lose more under it than the members of any other foreign nationality.

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A DIPLOMATIC INTRIGUE.

FLORENCE, Nov. 28, 1882.

THERE are circumstances connected with the death of our late Minister at Rome which I think ought to be widely known, as a help toward getting our foreign representation out of its generally disgraceful and imbecile condition. Mr. Marsh was an old man, whose physical forces were failing, and who could not have survived many years, but whose condition had no immediate menace of change. His death was precipitated by the action of his Government, through a measure as wretched as any cheese-paring administration ever adopted. The failure of his physical powers had made him dependent more and more on his assistants, chiefly on Mr. Wurtz, Secretary of Legation, to whom Mr. Marsh was very much attached, and in whom he had the most unlimited confidence, and who from long tenure of the office and intimacy with his chief was an aid such as no new man, however capable, could be. The habits of the old man had settled into a comfortable substitution of Mr. Wurtz's energy and efficiency for his own failing physical powers, and it would seem that no petty advantage to be gained from any official changes could, under such circumstances, have justified what must be looked on as a deliberate attempt to make untenable Mr. Marsh's position, on the part of some home officials who wished it to be vacated and dared not dismiss the incumbent.

Under a sheer pretext of economy, the functions of Consul-General and Secretary of Legation were laid on one person, and, to dismiss Mr. Wurtz, a new Consul-General was appointed who was to be also Secretary of Legation. Of course, in the characteristic neglect of decency of our Government when dealing with diplomatic matters, not only was an old and tried employee dismissed, but a new man appointed who, however intelligent and willing, could not take Mr. Wurtz's place, and whom Mr. Marsh

had not the physical energy left to initiate in his duties. The perpetration of such an open and extreme act of ill-will toward a functionary whose condition was so well known as was Mr. Marsh's, cannot have been through ignorance; and what makes the malevolence more apparent is that advantage was taken of Mr. Edmunds's absence from Washington, on account of a grave domestic affliction, to carry out the proposed change. This, concocted in all the secrecy of which a Congressional committee is capable, was carried out in a spirit of hostility to Mr. Marsh, who was never consulted as to the merits or advantages of the scheme, and was only notified by a telegram announcing the fact of the change in the personnel and organization of his legation. There was not even the degree of consideration shown him that an interval of warning would have been—Mr. Wurtz was suspended from all official functions abruptly.

It is reported that the change was not so much because of a desire for economy (for, when a new secretary was charged also with the duties of the consulate, the labor became such that an under-secretary was necessary, and the economy realizable was not more than \$500 a year, even at the loss of efficiency) as because the diplomatic corps at Rome had refused to receive as an official colleague a consul-general of the United States of America; and the committee proposed to compel them to do so by uniting in one person the two offices. The consequences are curious: the Italian Government, which recognizes some rules of etiquette in its diplomatic proceedings, of which our Congressional committeemen and their advisers had no conception, refuses point-blank to recognize the two officers in one individual, and will only give the exequatur in one capacity. In its usual bungling manner, our Government had jumped into the dark and found itself in the mud. As Mr. Wurtz had been imperatively suspended, and the new double functionary had to drop one of his functions, he was compelled to become simple Secretary of Legation, and the consulate is vacant, being occupied pro tem. by a local banker who enjoyed the reputation (and merited it) of being the most disloyal Northerner in Rome during our war, and who actually negotiated with the Papal Government the nullification of the official action of our own Government with regard to those who were then known as Secessionists. We have a new minister with no knowledge of diplomatic matters, a secretary who cannot help him, no consul, and only a *locum tenens* whose disloyalty to the Government in the great crisis of its existence should forbid his ever having any relations with it.

To add to the obloquy which the Government merits by its trifling with the interests (if there be any) of the country in its foreign representation, the malignant blow at Mr. Marsh gave him a shock which was the immediate cause of his death. With his usual unselfishness and consideration for others, his first care and anxiety were given to Mr. Wurtz, so unworthily suspended from functions he had performed with the truest zeal and fidelity so long. But the sudden change in all Mr. Marsh's official relations, the contemplation of the difficulties thus thrown on him, and the conviction of his physical inability to carry out the accustomed duties in the new conditions; the derangement in his habits thus forced on him, and the slower-coming grief and annoyance at the indignity thrown both on him and his secretary by his own Government, gave him a shock which broke his courage and moral force together. He understood it as an act of hostility, but I do not believe that he felt—so great was his humility, and so complete his indifference to himself—that the movement was really the grossest insult ever

offered to a person of his position by our Government even in its worst days. The moral violence done him brought on the illness which ended, with needless acceleration, his life.

The facts are sufficiently known to the Italian Government to make the position of Mr. Marsh's successor delicate, and that of our own Government not enviable. There was no American living who had anything approaching the personal prestige with the Italian Government that Mr. Marsh enjoyed, and that not for the sake of his Government, but for his own; and not only will any man who goes into his place in this generation have a difficult example to follow, but he will have to convince people in Rome that he had no part in the conspiracy which killed the man so beloved by every one in the official Roman world, from the King down.

As for the agencies at Washington which have to be responsible for the crime against the dignity of their country, it can only be said that the affair shows in a more painful light than usual how they can unite utter ignorance of everything which pertains to diplomatic propriety and usage with utter indifference to the character and prestige of their representation abroad, and that the disasters of our wretched civil service affect not only our taxpayers and the resources of the country, the purity and efficiency of our home Government, but the decent dignity of the country in the eyes of foreign nations.

As for the conspirators in the petty intrigue which has shortened, even by a few days, the life of one of the noblest men America has ever produced, and made his last days days of pain and humiliation, I have only to say, as I know none of them, that they have, in recklessness or malice, committed a crime for which I hope public opinion will hold them responsible, and which will be remembered against them. W. J. S.

Correspondence.

BASTIEN-LEPAGE'S JOAN OF ARC.

TO THE EDITOR OF THE NATION:

SIR: Your recent notice of our heliotype of Bastien-Lepage's "Joan of Arc" refers to an apparent joint in the print, as if the negative were taken "in two parts," "as in a wood engraving in which the blocks have sprung."

Your critic has probably forgotten that the original picture is painted on two pieces of canvas joined up and down the centre, making a very visible seam.

Our print is made from a single negative only, but this joint in the original is necessarily indicated in our reproduction, and your critique is therefore a complete testimony to the fidelity of the heliotype.—Very respectfully,

JAMES R. OSGOOD & Co.

BOSTON, MASS., December 15, 1882.

CELLINI AND THE CONSTABLE DE BOURBON.

TO THE EDITOR OF THE NATION:

SIR: Is not the passage in your Paris correspondent's interesting review of Plon's 'Benvenuto Cellini,' published in the *Nation* of Dec. 14, relative to the death of the Constable of Bourbon, likely to prove a little misleading? It is true, "Cellini does not boast in his memoirs of having killed the Constable," but he certainly means us to understand that the shot he fired caused the death of the French commander. This is the long-established popular impression; and that it is the natural deduction from Benvenuto's words would seem to be indicated by the fact that in the index to the Italian edition

of the 'Life' (Milan: Carpani, 1806-11), and in that to the English translation by Roscoe (London: Bohn, 1847), we are referred to the page where we shall find how "Cellini kills the Duke of Bourbon." But here is Cellini's own account of the matter. After relating how he went to the flight, accompanied by Alessandro del Bene, Cecchino della Casa, and another youth whom he does not name, he continues:

"—Alessandro, much alarmed, answered: 'Would to God we had never come hither!' and, so saying, he turned with the utmost precipitation, in order to depart. I thereupon reproved him, saying, 'Since you have brought me hither, I am determined to perform some manly action,' and, levelling my arquebuse where I saw the thickest crowd of the enemy, I discharged it with a deliberate aim at a person who seemed to be lifted above the rest; but the mist prevented me from distinguishing whether he was on horseback or on foot. Then, turning suddenly about to Alessandro and Cecchino, I bid them fire off their pieces, and showed them how to escape every shot of the besiegers. Having accordingly fired twice for the enemy's once, I cautiously approached the walls, and perceived that there was an extraordinary confusion among the assailants, occasioned by our having shot the Duke of Bourbon. He was, as I understood afterwards, that chief personage whom I saw raised above the rest."

Roscoe translates Carpani's note to this passage: "All historians agree that Bourbon fell by a musket-shot early in the assault, while, distinguished by his white mantle, with a scaling-ladder in his hand, he was leading on his troops to the walls."—Truly yours,

C. C.

NEW YORK, December 16, 1882.

SOUTHERN HOMICIDE.

TO THE EDITOR OF THE NATION:

SIR: "Rebuke a wise man and he will love thee" is one of the utterances of that Book by whose precepts large numbers of Southern people profess to regulate their lives. I believe there are many such wise men among us, who earnestly desire to see much good done by your articles on homicide at the South, even though the reading of these articles may cause great pain, and even exasperation at times. I know that my own feeling at first was that I would stop my paper because of one of these editorials. But instead of acting in such a petulant and foolish way, I began to examine into the matter, and to discuss it with my friends. I will give you the testimony of four persons who are earnestly devoted to the South, and all of whom are persons of intelligence. One of the four felt no inclination to "bristle up" at your severe strictures, but instantly acknowledged: "As far as my experience goes the *Nation* is right." Another felt so indignant that he thought of writing you a sharp rebuke. But he first set his memory to work, and found that as far back as he could recollect he could recall on an average nearly a murder a year in his part of the country, but unfortunately could not remember that any of these murderers had been hung. So his article was never sent. The other two are ministers, one of them a man of great wisdom and experience. Both of these admit that in the main you are right, and think that you will probably do much good in the end. Your recent correspondent, "Y," seems to have unwittingly sent you a strong corroboration of your charges.

I wish now, through your columns, to say a few words to a certain class of your Southern readers, many of whom have no doubt been exasperated without being led to a right view of the matter. To such I would say: The sensible course for us to adopt is to direct our attention first of all to the important point of determining whether the grievous indictment of the *Nation* can to any considerable extent be laid at our

door. The *animus* of the writer of these articles has nothing to do with our duty in the case. It matters not whether he has written in a spirit of hostility to us as a people or not. The question for us to decide is this: Is the charge to any fair extent *true*? Neither will it serve the purpose to say that the North is just as bad as we are, though perhaps in a different way. There is undoubtedly more Sabbath desecration North than South. In some of the Northern States the marriage-tie is dreadfully weakened beyond anything that we know at the South. We cannot afford to be so unwise, so blind to our own interests, as to take shelter behind such a worthless defence as this. The question still stares us in the face: Is the charge *true*? If it is—and many devoted Southerners lament that it is only too true—let us address ourselves to the task of correcting the evil as far as in us lies, and then we shall be in a better position to help our brethren of the North mend their ways. Even if we imitate no higher example than that of a heathen philosopher, let us have sufficient greatness of soul to say to the *Nation*, as Socrates said to an opponent: "If you convict me, I shall not be angry with you, but you will be enrolled as one of my greatest benefactors."

In one thing, Mr. Editor, I believe you have greatly erred, and that is, your statement that Southern men are in the habit of carrying arms. I do not pretend to quote your exact words, but I am certain that is their purport. Several of your correspondents have given their emphatic testimony against this, but you have taken no notice of it, and the charge still stands. It is certainly against all that I know of the matter, and I have met with no one who did not protest against it as contravening all of his experience. How are you prepared to sustain your assertion that the mass of Southern men are in the habit of carrying arms—or whatever the precise statement was? And if you cannot establish your charge, your character for fair and honorable dealing leaves you only one thing to do.

Yours respectfully,

X. Q. Z.

VIRGINIA, December 18, 1882.

[We are not prepared to "sustain," if this means prove, that all or even the majority of Southern men carry arms. This is something not susceptible of proof. That a very large number carry arms, we infer from the frequency with which, whenever a sudden "difficulty" occurs, both parties are found to have weapons ready for the fray. But the question whether they carry arms or not is of no importance to our argument, and if our statements be either incorrect or exaggerated, it costs us nothing to withdraw them. We need hardly say that we have not brought the subject up either through hatred, malice, or uncharitableness. No journal at the North has so persistently pleaded the cause of the South as the *Nation*, and it did so at a time when it cost something to a Northern journal to plead it, and when journalistic defence or apology was of more consequence to the South than it is now. There is no possible or probable change in the condition of the Union which, in our mind, is so desirable as the growth of the South in wealth, population, and influence. We say influence, because we acknowledge freely that there are traits of Southern character and manners and social outlook which the North would be much the better for adopting or imitating. But the South can never be an influence at the North or anywhere else, can never produce a

social type which any civilized people will copy or admire, as long as it tolerates the practice of private murder in the settlement of disputes. These homicides, whatever Southerners may think or their newspapers may tell them, put the South, in the eyes of the rest of the world, in the category of semi-barbarous communities, and make its superior morality in other ways count for nothing. As the world now is, there is no use in telling people of the piety, the honesty, the domestic purity, the general security of a region where the men when they quarrel can shoot each other "on sight" with impunity. Southern young men who wish to raise their country—and not alone their section—in the eyes of the world, even if they are open to no higher motive, could do no nobler work than associate themselves to promote the faithful execution of the laws, and to discountenance the brutal and barbarous practice of public assassination.—ED. NATION.]

SENATOR HOAR'S RE-ELECTION.

TO THE EDITOR OF THE NATION:

SIR: In to-day's issue of the *Evening Post* I find the following:

"The opposition to his [Mr. G. F. Hoar's] reelection still seems to be strong and active, especially among the younger Republicans—those who have come forward since the war: but the grounds of objection have not yet been very clearly stated."

As one entirely sympathizing in this opposition to Senator Hoar, I agree that the grounds for it have not, as you say, been clearly set forth. At least, if they have been, I have not seen them. I think, however, they can be set forth clearly enough. Put in the fewest possible words, I take them to be simply these: The younger Republicans, to whom you refer, instinctively feel that Mr. Hoar does not sympathize with them, or understand them, or interest himself in the objects they have in view. He is a man of a past generation.

Now, let me put the case in detail. Speaking roughly, from 1850 to 1870—a score of years—the political thought of this country was wholly absorbed in questions of human rights. Economical and administrative issues were little regarded, or regarded only as ways and means to the settling of things more important. There grew up, consequently, a whole race of public men—statesmen of the school of human rights. To this school Mr. Hoar belongs. He was educated in it as a youth; he has lived and had his being in it as a man; he now responds to its appeals, and to its appeals only.

Meanwhile time passes. While the country year after year was practically absorbed in these questions of human rights, our whole administrative machinery underwent an abnormal development, and economical education, from the political point of view, ceased. Grave abuses grew apace. Now, at last, intricate problems of finance, taxation, production, and distribution have presented themselves, and some one has got to handle them. Every younger and reflecting man knows that these are the pressing questions of the day. They are just as much the pressing questions of to-day as human rights were the pressing questions of yesterday. The years from 1870 to 1890 are not as the years from 1850 to 1870.

The questions peculiar to a political period can only be successfully dealt with by men of that period who have been trained to deal with them. They must be interested in the questions, and understand them. Accordingly, our public men of the earlier period—though Clay and Webster

were among them—wholly failed to deal with the questions which had arisen in 1850. They were then succeeded by the men who actually, as we know, did deal with those questions. The objection we make to Senator Hoar now is, therefore, exactly the objection which the school to which Senator Hoar belongs made, and made justly, to men of the school anterior to 1850—the school in Massachusetts of Webster, Davis, Everett, and Winthrop. They belonged to a past generation.

No one questions Mr. Hoar's ability or experience; least of all do we question his honesty or singleness of purpose. The personal relations many of us have had with him have always been pleasant. We fully appreciate the peculiar influence which seniority in the Senate will give him. We simply say that, notwithstanding all this, he is not fitted, either by the natural temper of his mind or by education, to deal successfully with the public questions now before the country. And in saying this we insist that we say nothing derogatory to Mr. Hoar. He is an able man; but he is no abler than Mr. Winthrop, or Mr. Everett, or Mr. Webster. To say that not one of these understood the slavery question, or could possibly have grappled with it successfully, no matter how long they had been kept in the Senate, is only to repeat an acknowledged historical truism. The course of political events has simply swept by Mr. Hoar now, as it then swept by them.

This is no narrow criticism. It is, for instance, no good ground for objection to Mr. Hoar that he belongs to the most extreme protectionist school. An intelligent protectionist—one who thoroughly understands his side of the subject, and can present it—is always formidable, and always to be respected. His presence now in the Senate is quite as essential to any wise treatment of the tariff as is the presence of an equally intelligent freetrader. If anything, he is the more necessary man of the two. The difficulty with Mr. Hoar is that, while on this subject he talks freely, he does not talk upon it intelligently. What he says smacks of the shopkeeper and the village politician. There is in it no trace of the student or thinker. Accordingly it fails to command the respect of any man on either side of the question who really understands it. Were I called upon further to explain what I mean, I should but have to quote those more recent utterances of Mr. Hoar's at Washington, at Worcester, and upon the stump, which can be adequately met only by ridicule of the kind in which Dean Swift was an adept. So on finance. When the country struggled back to specie payments Mr. Hoar was in Congress. If he took any part at all in that great debate, his name is not remembered in connection with it. So also of the well-nigh incalculable fraud and outrage, the Arrears-of-Pensions Act. When that act was passed Mr. Hoar was in the Senate. It belonged to a class of acts which did not interest him; he was probably thinking at the time of the general and incalculable wickedness of the Democrats, or of the wrongs of the freedmen, or of the Poncas, or of the Chinese, or of the prospects of female suffrage, or of the Whittaker case. He was meditating on some aspect of human rights; and so he never scrutinized a measure which imposed on the producers of the country a burden of a thousand millions, fifty millions of which fell to the share of Massachusetts. It was only an economical question. Well, we think that the questions of the day are economical questions.

This then, as I understand it, is why the younger generation of Massachusetts Republicans instinctively dislike to reflect Senator Hoar. They may not have thought the matter

out so as to say so, but nevertheless they feel that what they are concerned in does not interest him. He is a vigorous relic of the past. With the utmost personal respect for him, they do not see the propriety of sending to the Senate a statesman of the school of human rights to solve questions of administration and political economy. It is much the same as it would have been in 1851, if, in order to avail ourselves of his experience, recognized ability, and seniority, Massachusetts had sent Robert C. Winthrop to the Senate which was to deal with the slavery problem as the question of the day, instead of sending the untried Charles Sumner. In fine, we of the opposition to Mr. Hoar, after long years of trial, firmly believe that he does not understand administrative and economical problems, that they do not interest him, that he is too old and too firmly set in his lines of thought to apply himself successfully to them.

Any one who will turn to Morley's recent life of Richard Cobden—one of the best and most instructive political treatises of the day, let me remark in passing—any one who will turn to that book, will find that all through his career Cobden was confronted in Parliament by a set of men honest, able, conscientious, experienced, who simply could not understand what he was talking about. In answer to him, they kept repeating, over and over again, catchwords and cant phrases which to them were conclusive. They were incapable of learning by heart even, much less of comprehending, the horn-book of political economy. To that class, judging by his utterances and record, Mr. Hoar belongs in this country. If we return him to the Senate, therefore, any unfortunate Richard Cobden who may turn up there during the next six years will always run great risk of finding Massachusetts, with all her Senator's experience, seniority, and acknowledged ability, arrayed on every issue of to-day in the front rank of unintelligent opposition.

This we do not want to see. Consequently we prefer Governor Long to Mr. Hoar; not that Governor Long is the man we would choose, but, as compared with Mr. Hoar, he belongs to the year 1882, as opposed to the year 1862. We know he can learn, and we believe he will. In any event, however, we are very sure that if, in selecting a man to deal with the questions of the present, any thoughtful consideration were given to what those questions really are, Mr. Hoar's name would rarely be suggested as that of his own successor. If you choose to put it so, Why select an old war-horse to tug at a plough?

BOSTONIENSIS.

NEW YORK, December 20, 1882.

Notes.

'PEN AND LUTE' is the title of a volume of poems by Richard Storrs Willis, brother of the late N. P. Willis, announced for immediate publication by Thorndike Nourse, Detroit, Michigan.

Mr. Joel Benton will, toward the close of the winter, publish, through M. L. Holbrook & Co., his essay on 'Emerson as a Poet,' read last summer before the Concord School of Philosophy—a more appropriate point of view, in our judgment, than "Emerson as a Philosopher" would have been. An excellent portrait of Emerson will be prefixed to the book, which will also contain a concordance to his poetry, and a bibliography of the periodical articles on Emerson from the beginning of his career.

Henry Holt & Co. desire us to state that the authorized edition of Serjeant Ballantine's 'Reminiscences,' which is being advertised by J. M. Stoddard & Co., is the work which the for-

mer firm brought out under an arrangement with the English publishers, and of which they have since sold the plates to the Philadelphia house.

Harper & Bros. will publish early in January the seventh edition of Liddell & Scott's 'Greek-English Lexicon.' The size of the page has been significantly increased in both dimensions, and the columns lengthened a full inch. American scholars have had a large and recognized share in the revision of this standard work.

Mr. Elizur Wright, whose address is Box 109, Boston, Mass., offers to send a copy of his book, 'Myron Holley, and What He Did for Liberty and True Religion,' to any public or circulating library in the State of New York, without any other charge than nine cents for postage enclosed in the application; and any newspaper inserting this notice will be entitled to a copy of the book on the same terms.

Mr. William Cushing, No. 18 Wendell Street, Cambridge, sends out specimen pages of his 'Century of Authors—1780-1880,' of which the first number is now on the eve of appearing. Each part will consist of eighty pages, octavo; and the four, or possibly five, volumes will contain each twelve parts. The scheme is unlike Allibone's in making the biographical feature predominant, and in not mentioning in detail or with bibliographical literalness the works of each author. Thus Jacob Abbott, who fills so large a space in library catalogues, is disposed of in thirteen lines. John Quincy Adams, on the other hand, to whom not a single work is here ascribed, has thirty lines. The dictionary will have its value, and even its interest, but the execution of it is very peculiar.

The *Interchange*, an alphabetical index to subjects in current and forthcoming reviews and magazines, is announced to be published monthly by Howard Challen, No. 123 South Seventh Street, Philadelphia. It will have a variety of literary departments, including notes and queries.

We must, by the way, add to our list of note-and-query periodicals the fortnightly *Journal des Curieux: Revue des Curiosités littéraires, historiques, et scientifiques*, published, beginning in 1881, at Besançon, by MM. Ferrand and Vuillemin. We may also add the department "Notes and Queries" in the *Chrysanthemum*, a monthly magazine published at Yokohama, now in its second volume, and a very readable publication.

A new eclectic monthly periodical is to be launched with the new year at Buffalo, N. Y., under the title of the *Modern Age*. Its broad page, with two broad columns and clear print, has an attractive look. At the end is original matter pertaining to current events, books and authors, art and the drama. The subscription price is very moderate.

In January the newly-established Dutch newspaper of this city, the *Nieuws en Handels Courant*, will begin a series of articles in both Dutch and English on the early history of New York and the doings of the Knickerbockers. The history of the Reformed Dutch Church will receive special attention. The editor, Mr. J. Van't Woud, No. 3 Bowling Green, solicits such information as will further this object.

About six years ago Mr. Henry C. Meyer, a New York merchant, became deeply interested in sanitary matters, and commenced the publication of a monthly paper, which at first was devoted mainly to questions of plumbing and house drainage. As he continued to study the subject it grew more interesting, the field widened, and the demand for information increased, until now the *Sanitary Engineer* has become a large and flourishing weekly journal, covering the whole field of sanitary science, and recognized as a leading authority upon the subject. In the number for December 7 Mr. Meyer for

the first time publicly announces his connection with the journal. He has now withdrawn from mercantile life, and proposes to devote his whole time and energy to his paper. Who shall say after this that journalism has not its fascinations? It is a good sign that he is able to say that while "he is gratifying his tastes and inclinations, he is yet taking up an occupation sufficiently practical and remunerative to place it beyond the limits of a merely philanthropic enterprise." We bid him welcome and wish him success.

Little, Brown & Co. have issued a second edition of Mr. R. B. Forbes's interesting 'Personal Reminiscences,' which was first published in 1878.

Miss Mary Thomas, daughter of one of the Trustees of the Johns Hopkins University, has just taken the degree of Ph.D., *summa cum laude*, at the University of Zurich—a distinction rarely attained by male graduates. Miss Thomas is a graduate of Cornell, and studied three years at Leipzig; she took her examinations at Zurich because the University of Leipzig does not grant degrees to women. Her subject was philology, a particularly difficult one in Germany.

The requisite sum for the continuation of the explorations at Assos was raised, and a seasonable telegram sent to Mr. J. T. Clarke to that effect.

Last June, by order of the Mexican Secretary of State, Lieut.-Col. Bodo von Glümer, of the National Army, prepared a large wall-chart of statistics of the Republic, having a considerable permanent as well as temporary value. In the middle was set a topographic map, constructed from the best available sources by the same engineer, representing the "Heart of Anahuac [the central Mexican tableland] and its Railways." This map has since been made available by itself, in a pocket folding-form (New York: B. Westermann & Co.), and the authority which necessarily attaches to it will insure it a large sale, in view of the great railroad interests which our citizens now have in Mexico. The scale is four miles to the inch, and the area depicted is that adjacent to and stretching between the two railway centres of Puebla and the City of Mexico. The delineation is very clear, and the explanations have been turned into English.

From the same house we have received the "first systematic part" of the fourth edition, revised and augmented, of Dr. Franz von Holtzendorff's 'Encyclopädie der Rechtswissenschaft.' The contributors to this work, the high character of which is recognized the world over, are among the foremost jurists of Germany, mostly professors of jurisprudence at different German Universities. There are in this edition four new articles by Dr. Mandry, of the University of Tübingen, Dr. von Bar, of the University of Göttingen, Dr. H. Schulze, of the University of Heidelberg, and Dr. Gneist, of the University of Berlin. Westermann & Co. also send us 'Dies Ire: Erinnerungen eines französischen Officiers an die Tage von Sedan,' published at Stuttgart. This little volume of 120 pages contains an exceedingly spirited description by a French staff officer of the battle of Sedan.

—A few children's books may be mentioned here, if somewhat tardily. 'Cradle Songs of Many Nations,' by R. L. Hermann, illustrations by Walter Satterlee (Dodd, Mead & Co.), is a book compiled on the correct conception that good melodies cannot be written to order by any one for a holiday book. It includes Scotch, English, Irish, French, German, Hungarian, Norwegian, and even Chinese, Japanese, and Zulu cradle songs, the original words being occasionally added in the language of the country, and the melodies often of considerable individuality

and beauty. Each song has a corresponding colored picture on the opposite page, and the book is tastefully covered and enclosed in elegant loose covers with silk ribbons. Mr. Edward Greey, author of the 'Young Americans in Japan' and the 'Wonderful City of Tokio,' gives us, under the form of 'The Golden Lotus, and Other Legends of Japan' (Boston: Lee & Shepard), the results of his own rambles in and around Yedo bay. The eleven so-called legends are told by one who evidently enjoys a full flow of animal spirits and good digestion, who is cosmopolitan in his tastes, and who, having looked at life from behind and on the stage, knows a good deal about the oblique side of it. He laughs with the Japanese rather than at them; he is a keen observer, and catches every wink and notices every significant glance. No reader of the "Legend of the Dead Ass" can possibly enjoy the perusal more than the writer enjoys the telling of it. Only two or three of the legends are new to English, but all are told with fresh points. The "Toad of Tomioka" is amusing and sad, that of the "God-Fox" highly illustrative of the native superstitions concerning that animal, while that of "Lu Wen," the Rip Van Winkle of the Orient, was first told in a shorter form in 'The Mikado's Empire.' Adults will find an after-dinner hour well spent in chuckling over the pages of this book of faultless typography, and the young folks will learn how the children of Japan think, dream, and play. There is fun in 'Troublesome Children' (A. Williams & Co.), and Mr. F. G. Attwood's hand as a comic designer has not lost its cunning; but, after all, this is not a book for children. Neither a literal nor an imaginative mind could safely be left alone with it. Mr. E. E. Hale's 'Stories of Discovery' (Roberts Bros.) has the qualities of the rest of the series to which it belongs. The five tales included in 'The New Arabian Nights,' translated by W. F. Kirby (Lippincott), are not more or less doubtfully proper for children than the familiar collection which they supplement. Mrs. Anna C. Lowell's 'Posies for Children' (Roberts Bros.) is not new, but it is better than that, for it has now the approving verdict of many years behind it.

—J. Eastman Chase, Boston, sends us an artist's proof of Mr. W. B. Closson's wood-engraving after his own painting, "Saxon." With Mr. Closson's ability with the graver the public is already familiar, and it has lately had an opportunity of judging somewhat of his powers as a designer in the new illustrated edition of Mr. Aldrich's poems. The present design confirms the impression that his fancy is as delicate as his touch on the wood. The subject is a little maiden just out of bed, apparently, and standing with her feet nearly hidden from view in a fur rug. Her arms are behind her back, and she is clutching the nether part of her one garment with an air of dubiety which is well expressed on her face—perhaps before an invitation to the bath. A heavy curtain forms the background. The blonde hair of the child is doubtless the key to the title of the print. In this perfectly simple but charming composition the drawing of the ear alone is felt as a slight blemish. It is a rather unshapely ear, and it seems to us to be set too high on the cheek. The engraving, however, is masterly, and at first sight—such is the softness and fineness of it—one would pronounce it either an etching or a line-engraving on steel. The publisher offers it not as a counterfeit of either, but as a coördinate work of art, which it undeniably is. Like Cole's portraits and his Vedder's "Samson," it merits framing with the same respect and circumstance that we accord to the favorite products of metal engraving. Of any room it would be a poetic adornment.

—A Western librarian writes us:

"I was very glad to see your comments upon the change of librarians in Indiana and Michigan, and trust you will not drop the matter entirely. The State of Ohio has a fine library of about 60,000 volumes, of which much could be made. Unfortunately, the librarian is changed every time a new Governor is elected. The evil has not been so great as might have been anticipated, because the library has been practically in charge of a permanent and capable assistant. The present librarian has, however (properly, so far as I know), shown a disposition to manage things himself, and I understand that there is, or has been, some trouble. But the next administration is sure to appoint a new librarian before the present one has fully learned the duties of his office. It seems to me that you will confer a great boon upon many of our Western States if you can induce them to place their libraries in charge of a board of trustees similar to that of New York, with such permanent tenure of office as to remove any temptation to make political appointments."

—The December number of the *Magazine of American History* contains several articles timely to the coming anniversary of the Landing of the Pilgrims, the place of honor being given to "Plymouth Rock Restored," by Mr. Herbert B. Adams, of Johns Hopkins University. "Plymouth before the Pilgrims," by Mr. De Costa, and "Samoset and New England Colonization," by Mr. Rufus King Sewell, are choice papers, and helpful withal to every student of New England history. The "reprints" in this number are "Martin Pring's Voyage," "Articles from the Church of Leyden," "Why did the Pilgrims leave Holland for America?" and "The Mayflower Compact." A portrait of Captain John Smith, copied from the one on his map of 1616, is an admirable piece of work, but, as if to offset it, there is a frightful representation of Miles Standish "from an old oil-painting found in a bookstore in Boston!" We receive it as a compliment that Mr. Adams should say "the *Nation* is undoubtedly right in maintaining that December 22 is the true Forefathers' Day, in the sense that this is the day originally celebrated and historically consecrated by 'oration, sermon, song, drama, painting, and print.'" And he might have added, quoting Palfrey, that "the twenty-second of December has taken a firm hold on the local thought and literature, which the twenty-first will scarcely displace." Following, however, the argument of "various historical specialists," he comes to the conclusion that the event to be commemorated was the landing made by the exploring party from the shallop, and not the landing "by the whole body of Pilgrims from the *Mayflower*." We hope to be pardoned by the "historical specialists" if we express once more the opinion that the "shallop landing" was an event of no significance whatever except as it may be connected with a subsequent event of real importance—to wit, the landing from the *Mayflower*; that the Old Colony Club never intended to commemorate the landing of the exploring party, but did intend to commemorate the landing of their pious ancestors—men, women, and children—from the *Mayflower*; and that the Club, in its first celebration of Forefathers' Day, made no "natural mistake," but fixed upon the traditional day which had been established for generations. Mr. Adams will surely not contend that Mr. Winslow, in delivering "the first oration ever spoken in memory of the landing of the Pilgrims," had in mind any landing by the shallop explorers, when he made "their wives, their helpless offspring," partakers in the landing. Another claim set up by the "historical specialists" for the exploring party is that the Sunday spent on Clark's Island was the "First Christian Sabbath" observed in New England. To establish this claim they must first make it probable that the pious Pilgrims, with Elder

Brewster at their head, were a whole month in Provincetown harbor and neglected to keep the "Sabbath."

—After the *Revue Critique*, conducted by Protestant scholars, had done most excellent work for thirteen years, certain learned Catholics, thinking it a pity that the devil should have all the good music, founded the *Bulletin Critique*. Both periodicals testify to the remarkable revival in France during the last two decades of the so-called *hautes études*—that is, of critical learning—a revival which, so far as it extends, bids fair to place France on a level with her old rival. Both periodicals, too, seem to be edited with an attempt at perfect impartiality and the intention of judging the works reviewed simply by their accuracy and ability. The *Bulletin*, however, in an occasional sneer or parenthetical remark, lets its polemical tendencies get the better of its self-restraint. As the *Polybiblion* rejoiced greatly at the amiable weakness with which the Positivist *Littérature* yielded to the desires of his wife and saw a priest in his last moments, so the *Bulletin* records that Paul de Saint-Victor died while revising the proofs of the second volume of 'Les Deux Masques,' "presque à la tâche, en poussant ce cri d'appel—qui aura été entendu, espérons-le: Mon Dieu! mon Dieu!" And in a notice of Vaudon's charming 'Avant Malherbe,' M. Largent cannot deny himself a little fling at the conviction which prevails in many minds—"non pas les plus délicats, je le confesse"—that France was born in '89. Nor can we positively affirm that the *Revue* has always maintained itself at the elevation of pure learning. It is rare, however, that either journal permits itself a mystification or a joke of any kind. But in a late number of the *Bulletin*, the leading editor, M. Duchesne, finds that Renan offers too great a temptation. The great Hebraist's books have always been printed with lines very far apart, which M. Duchesne avers aroused suspicions, and on applying to the recent translation of Ecclesiastes a certain liquor whose secret he had received from a monk of Mt. Athos, he was able to read *between the lines*, and recovered the following text:

"I, Renan (Ernest), am the author of Koheleth. Metempsychosis is not an empty fable. Before being professor of Hebrew at the College of France and of epigram at the Palais Mazarin, before governing the Roman Empire under the name of Marcus Aurelius, I was a householder at Jerusalem. My father had made a fortune at the Court of Ptolemy Philometor. He left me a considerable capital, which I increased by good investments. I lived on the King's Garden Road at the end of Orphel Street—as one might say, on the Champs-Élysées of Jerusalem. From the terraces of my villa every morning I could see the altar of the Temple smoke; pilgrims covered with dust, beggars from the suburbs, fierce-eyed zealots, cavalades of the Court of King Hyrcan met my eyes; sometimes I let them wander further off, to the tombs in the Valley of Jehoshaphat. All these sights and the experiences of a life somewhat long engendered in me a sort of melancholy scepticism; weary of the burden of my thoughts, I intrusted them to a roll of parchment, which was found long after my death in the corner of some writing-desk. A complaisant rabbi, rather short-sighted, declared the book inspired, and put it in the Bible, adding a decorous postscript to silence the scrupulous. God has permitted that I should revisit the earth, under the guise of a Hebrew scholar, to study this curious phenomenon of inspiration, and to convince myself over again, by the good fortune that has fallen to my grumblings, that *all is vanity*."

—The reader will see that this reproduces the substance of Renan's preface, in which he maintains that the author, such as he is described above, lived in the second century B. C.; that he was not an atheist or even an irreligious person; that his book was translated into Greek by Aquila or one of his disciples about 130 A. D., not long after it had been inserted in the Hebrew

Bible. Evidently none of M. Duchesne's staff is competent to pick flaws in the work of the Jew-Emperor-Professor, for he is content with his raillery, and, after praising the style of the preface, with asking the Lord why it is that those who think so badly write so well; to which the Lord answers, "Be not troubled, my child, since you have read Ecclesiastes and know that except the fear of the Lord all is vanity, even style, philology, rhetoric, and the Academy"—which, after all, we fear M. Duchesne finds rather cold comfort.

—A little more than a year ago M. Octave Uzanne put forth the first of a series of volumes on 'Feminine Adornments,' to include the fan, the glove, the slipper, the muff, the parasol, etc. The first volume was devoted to the fan; the second, which has just appeared, groups together the parasol, the glove, and the muff, and it is to be the last of the series. In a touching preface M. Uzanne deplains his inability to play second fiddle to the illustrator, and it must be confessed that it was a Procrustean bed which M. Avril, the artist, and M. Quantin, the publisher, had prepared for the author. Like 'L'Éventail' of last year, the present volume on 'L'Ombrelle, le Gant, le Manchon' (New York: J. W. Bouton) has a heliogravure printed in colors on every other page, or, rather, there are a pair of heliogravures on every other pair of pages, and the writer was forced to bend and clip and fit his prose into the spaces left vacant by the artist. It results that M. Uzanne's prose is indeed of quite secondary account when compared with M. P. Avril's designs. On half the pages are elaborate compositions printed in appropriate and changing colors, and sketching by example the history of the object treated. We have the Three Graces shielding themselves with a parasol from the rays of Apollo's chariot. This is printed in a rich unmer, and leaves room in the centre of the page for a few lines of M. Uzanne's lively writing. We have Helio-gabalus drawn in a chariot by nude female slaves, and protected from the sun by an *umbellifera*. We have Robinson Crusoe with his umbrella of skins; Japanese jugglers with their paper parasols; Léandre and Isabelle, à la Watteau, with a sunshade at the feet of the fair lady; a night scene in camp, showing a Napoleonic general reading a despatch by the light of a lantern while sheltered from the storm by a huge umbrella; a street scene in Paris on a rainy day. All these and many more decorate the page, and often completely surround the islet of prose in the centre. Next to the charm and beauty of the drawing is the extraordinary variety and propriety of the artist's style. A scene from Pompeii is done in the Flaxman manner; a picture of eighteenth-century life is drawn as though it were an engraving after Moreau or Eisen; a Japanese sketch attempts the simplicity and naïveté of the Japanese artists; and the young girl with a muff of Sir Joshua Reynolds reappears in bistre quite in the manner of Bartolozzi. Altogether, the book is one of the most beautiful we have ever seen. The typography is excellent, as becomes M. Quantin; the plate-printing only a little less excellent. It is greatly to be regretted that M. Uzanne has seen fit to give up so promising a series, and that the artistic conditions of the two volumes already issued have absolutely limited the number which has been printed.

—The Siamese twins are outdone. They had only begun to be united in comparison with a new prodigy, now or lately on exhibition at Geneva. They had separate bodies; the new wonder has only separate heads. They could not walk away from one another; it is difficult to see how their successor, or shall we say successors, can walk at all; for each head has its own ideas

and one leg, the other head being sole director of the other leg. Any one who has observed a baby learning to walk knows how hard it is for him to coördinate the motions of all his muscles so as to keep his balance and make progress. How much harder the problem to coördinate not only one's own muscles, but somebody else's. The baby, too, is doing what his forefathers have done before him for thousands of years, and has all the advantages of inherited habit; but the Swiss child (he is five years old) has struck out a new path, in which the past gives him no assistance. Some curious speculations arise in regard to his future life. The Siamese twins lived to a good old age. It is not unreasonable, then, to expect that the Genevan twins will outlive the century. The Siamese in due time married and became fathers of a family, though it was always a wonder how either could have found a lady courageous enough to say Yes in the presence of a third party. How will the Swiss twins manage? There is only one of them, and yet he is two. The heads think, and will, and speak separately. But the head is not supposed to fall in love; that is the function of the heart, and there is only one heart in the case. That will fall in love with some young lady. She may have defects. Suppose one head—more clear-headed than the other head—sees them. Will it yield to the promptings of its heart? and if it resists, then what will the other head do? And if finally they agree and pop the question, will both heads do it at once, or successively; or will they take it in alternate sentences? And if she marries them both will it be bigamy? The wife owes obedience to her husband, but if one head permits and the other denies, if one commands and the other countermands, which shall she listen to? No woman can serve two masters, for either she will hate the one and love the other, or else she will hold to the one and despise the other. It would be very inconvenient to love one side of one's husband and hate the other side. And how miserable she might be if she had any desire to have the last word—that is, if the two heads combined against her. But perhaps she would "by dividing rule." The mind wearies of such a succession of puzzling questions. For our own part we think the whole story is a myth. As is well known, Switzerland has no language of its own, but the cantons on the French side speak French, and those on the German side speak German, and the waiters at the hotels speak English. Perhaps the twin is an allegorical representation of this duplication of language, which has at last materialized itself as the beliefs of the early Aryans about the sun and the moon are said to have been incarnated in the gods and goddesses of the Indo-European pantheon. Our conjecture is, we admit, a little incomprehensible, but not more so than much comparative mythology that we have read.

THE MERV OASIS.

The Merv Oasis. Travels and Adventures East of the Caspian, during the Years 1879-80-81, including Five Months' Residence among the Tekkes of Merv. By Edmond O'Donovan. 2 vols. London: Smith, Elder & Co.; New York: G. P. Putnam's Sons. 1882.

THE troubles in European Turkey which culminated in the Russo-Turkish war began, it will be remembered, in the form of an insurrection in Herzegovina. A lady of the London fashionable world, hearing the words "the Herzegovina" constantly repeated in conversation, had her curiosity stimulated, and was overheard to inquire, "Who is the Herzegovina?" To most of our readers it is not improbable that "the Merv Oasis" will be almost as completely a blank as was "the Herzegovina" to the heroine of the

foregoing anecdote. Nor will they in this respect compare unfavorably with the majority of English ladies and gentlemen. Whenever the British public is afflicted with its periodical visitations of Russophobia, the cause will generally be found to be that some "expert" in Central Asian geography has announced the startling fact that the Russians are advancing in the direction of Merv. The British public does not know where Merv is—is certainly dubious whether it be a country or a large city; but the Russophobic "expert" has diligently taught it to believe that when once this mysterious geographical expression is included in the Asiatic dominions of Russia, the British Empire in India is as good as overthrown. It is this singular state of mind to which the Duke of Argyll has given the designation of "Mervousness"; and the wrath of Achilles was not nearly so mischievous to the Greeks before Troy as this same "Mervousness" has been to the English in India. In the absence of more definite geographical information, it appears probable that the better-educated portion of the British public derived such knowledge of Merv as they were possessed of from Tom Moore's "Veiled Prophet of Khorassan." The scene of this is laid in Merv, or in "Merou," as it was formerly called, and there is a couplet which describes the place thus:

"And, fairest of all streams, the Murga roves
Amid Merou's bright palaces and groves."

It is these "bright palaces and groves" which have caused the British public to fall an easy victim to Russophobia whenever an "expert" declared that the independence of Merv was in danger. They pictured the Russians as coming into possession of a magnificent and stately city, from which, as a secure basis, they would prepare and work out their nefarious projects upon British India. Mr. O'Donovan is the first Englishman—we think the first European—who has penetrated to the heart of the Merv Oasis, and removed the veil which caused Merv to be such a source of terror to the imagination of the British public. The result is that the Russophobic "expert" finds himself in the melancholy position of a magician suddenly deprived of his incantations and his wand of power. He has become as helpless as Samson when shorn of his locks. The British public have learned, to their great relief, that there are no "bright palaces and groves" to be found at Merv—nothing, indeed, but a predatory horde of Turcomans.

Mr. Edmond O'Donovan, as special correspondent of the *London Daily News*, had been sent by that journal to accompany the Russian expedition which was assembling in 1879 on the eastern shore of the Caspian to attack Geok Tepe, the stronghold of the Akhal Tekkes. General Lazareff was then the commanding officer of the expedition, and Mr. O'Donovan was received into the Russian camp as his friend and guest. Before, however, the expedition was ready to start, Lazareff died, and his successor, General Tergukasoff, under instructions from the Government at St. Petersburg, refused to allow Mr. O'Donovan to accompany the Russian column. After some months of fruitless endeavor to bring about a change in this decision, Mr. O'Donovan formed the adventurous determination to penetrate alone and unattended—a solitary Englishman—to the capital of the Tekke Turcomans; and very strange indeed were his adventures when he got to Merv. He reached that place at a moment when the Turcomans were in a state of great fear and excitement. As he crossed the desert which lies between Meshed and Merv, he witnessed from an eminence Skobelev's final assault upon the fortress of Geok Tepe. He was attended by two servants and an escort of six or seven Derguez troopers.

"Early on the 24th [January]," writes Mr. O'Donovan, "we ascended the top of the Markov mountain, which towers some 6,000 feet over the Tekke plain and is not twelve miles from Geok Tepe. With my double field-glass I could easily make out the lines of the Turcoman fortress and the general position of its besiegers, but I was too far off to be able to make note of details. I could plainly see, by the smoke of the guns and the movements of the combatants, that the attack had begun in earnest, and I watched its result with intense anxiety. The Russian assault was directed against the southerly wall of the fortifications, and, after what was apparently a desperate conflict there, it was evident that they had forced their way. A crowd of horsemen began to ride in confusion from the other side of the town, and spread in flight over the plain. Immediately afterward, a mass of fugitives of every class showed that the town was being abandoned by its inhabitants. The Turcoman fortress had fallen, and all was over with the Akhal Tekkes."

Three days later O'Donovan was in Merv. General Skobelev had pushed forward with his accustomed energy after the fall of Geok Tepe, and the Russian troops had taken possession of Askabad on the border of the desert which surrounds the Merv Oasis. A portion of the force had advanced still nearer the Turcoman capital, and parties of cavalry were scouring the country in every direction. When Mr. O'Donovan reached Merv he found the chiefs and the Tekkes generally in hourly expectation of the Russian advance, and laboring hard at a huge fortification which, they fondly hoped, would bar the further progress of the enemy. This fortification, according to Mr. O'Donovan, was constructed in so unscientific a fashion that it could not have resisted the action of artillery for a couple of hours, and the Tekkes' notions of the preparations necessary for fighting a successful battle against the Russians were in other respects as primitive as they could well be. The Tekkes were in possession of twenty-eight pieces of ordnance of different calibres which they had captured, some twenty years previously, from the Persians, but these were without carriages.

"I said that in view of the possible arrival of the Russians I wondered that some pains had not been taken to mount these disabled pieces. 'Oh!' said the Khan, 'there are plenty of people who could do that in a couple of weeks. There is abundance of wood growing in the gardens. Most of the iron work is on the spot; and I know where the tire of one wheel is—it fell off as we were bringing the gun across the river.' This was all highly satisfactory to the general audience; but I knew that in the whole of the Merv tree plantations not a trunk of more than eight inches in diameter was to be found. I asked whether any considerable quantity of projectiles was on hand. Thereupon the chiefs told me of several traders in the bazaar who had many, which they used as weights when selling corn. 'Besides,' he said, 'the Persians fired a great deal; and the old men who were looking on could easily point out where the shot fell, and we could dig them up when required.' . . . As regards the gunpowder, there were Ali Baba, and Hussein, and Hodja Kouli, and several others who knew what it was composed of; and besides, there was every reason to believe that the Emir of Bokhara would not be backward in affording facilities for a supply if he got a good 'present.' . . . The Khan further naively remarked that he hoped I should be of no small assistance in remounting the guns and founding the necessary projectiles. . . . The fact was that among these more easterly Turcomans, who had never known the contact of stern mechanical drill, each man thought that, armed with his curved brittle sabre, his antiquated cumbrous muzzle-loader with its forked rest, the half-pound of bad gunpowder he bought the last time he was in Meshed or Herat, and the bullets he founded from the material dug up on the battlefields of his ancestors, he was amply provided with all the necessities of war."

These barbarians, on Mr. O'Donovan's arrival among them, were at first uncertain whether they should put him to death as a Russian agent or exalt him to high honor as an emissary from the British Government sent to protect them from the wrath of the Russians. Their concep-

tion, by the way, of the British Government was a highly singular one. Of Great Britain itself they had never heard, and stared in blank and silent incredulity when Mr. O'Donovan indicated the relative situations of England and Great Britain. The British Government, according to the philosophy of the Turcomans, was to be found in India, and was otherwise known as "the Koompani." For some time Mr. O'Donovan's fate trembled in the balance, but ultimately the Merv elders decided that he was an important functionary of "the Koompani"; and that, being such, they could not act more wisely than by making him a ruler among them. As a result of this decision, Mr. O'Donovan became the leading member of a triumvirate which constituted the Government of Merv. An accident may be said to have endowed him with the prestige which caused him to be raised to this "bad eminence." Just after the capture of Geok Tepe, the Emperor Alexander was assassinated, and his successor, the present Czar, lost no time in sending orders to General Skobelev which forbade the Russians to advance beyond Askabad, and so, for the moment, preserved the independence of Merv. This unexpected reprieve the people of Merv attributed to the presence of Mr. O'Donovan among them, and confirmed them in their impression that he was a British officer of great power and importance. It was in vain that he protested that he was nothing of the kind. The chiefs and the people of Merv were of opinion that it mattered little what he was, if only they resolutely regarded him as a duly accredited representative sent among them by "the Koompani." This belief was so far of advantage to Mr. O'Donovan that during the five months of his residence in Merv his life was in no danger, but no one can read the narrative of his stay without feeling that it must have needed a frame of iron to have survived the awful, immeasurable ennui of life in Merv. That Mr. O'Donovan's sufferings were sufficiently acute is evident from the entries in his diary:

"These Merv Turcomans," he writes, "seem to have nothing to do but loafing about all day from hut to hut to see if they cannot surprise some eatables. They gorge themselves to excess on every possible occasion with greasy food, and are continually ill from indigestion. They throng my house, partly to satisfy their curiosity by staring at me, and partly to devour the greater portion of any food I may have prepared for my own use. . . . It is of no use saying that what you are eating is pig, for they eat pig readily. . . . No one who has not suffered as I have among the Merv Turcomans, by being constantly intruded upon and persecuted in every way by their abominable presence, could appreciate the exquisite luxury of being left in quiet solitude."

And in another place:

"Relay after relay of these vile beasts of Turcomans render life insupportable during the day and night too. One would think they imagined I derived intense pleasure from their uncouth, unfeeling, treacherous presences. The constancy of their intrusion passes all belief. . . . They are like the pestilent flies who vie with them to render life miserable."

Of these delightful savages, it may be truly affirmed that manners they have none, and their customs are beastly. Their most marked characteristic is their enormous appetites. These appear to be literally insatiable. A Turcoman, being a sordid wretch, never appears to treat himself to a "good square meal" when the thing has to be done at his own expense. But the custom of the country enjoins hospitality to the passing traveller, and politeness requires that a traveller thus entertained should exhibit his gratitude by eating prodigious quantities of the viands set before him. The appetite of the Tekke Turcoman has, so to speak, adapted itself

in the most admirable manner to this peculiar environment. He wanders over the country, traveller-wise, seeking what he may devour. And no matter, according to Mr. O'Donovan, what quantity of melted mutton-fat he may have swallowed at one entertainer's house, he is always ready, at the shortest notice, to attack a second or a third banquet of the same inviting fare with undiminished zest and alacrity. This enormous consumption of mutton-fat causes nearly every Merv Turcoman to suffer from indigestion and a disordered liver, but neither penalty has any effect in moderating his gluttony. The Turcomans appear to have enjoyed a fine time of it so long as their English Triumvir lived among them. Large uninvited parties assembled at his house, with rigorous punctuality, every morning, and stayed the whole day, for the purpose of partaking of his hospitality. The only device by which the English Triumvir could balk and disappoint his tormentors was by himself abstaining from food for the whole day, and this, clearly, was a manoeuvre which Mr. O'Donovan could practise only very rarely.

For the rest, a more indolent, useless savage than the Tekke Turcoman, as depicted in Mr. O'Donovan's book, it is impossible to imagine. The desert which surrounds the Merv Oasis is not a desert planted there by the hand of nature; on the contrary, the soil is rich, and the surface of the plain is covered with the remains of countless cities and villages which now stand desolate and unpeopled. It is the Turcoman who has converted a flourishing country into a silent and solitary desert. His noble soul revolts from honest labor, and therefore he passes his life in making raids upon his neighbors, pillaging their property and carrying them off as slaves. The Yamud Turcomans, who have now for a considerable time been the subjects of Russia, are in consequence being swiftly humanized. The wilder spirits among them, who cannot give up their old predatory habits, the Russian Government segregates from their tribes, and sends for three or four years to reside in the most civilized part of Russia. The transformation worked by this process is often astonishing. At Krasnavodsk Mr. O'Donovan made the acquaintance of one of these converted Turcomans. He had been a renowned pirate of the Caspian littoral, and his name carried terror with it.

"At the time of which I now speak he was one of the principal commissariat contractors for the Russian camp; and to see him now, with his long robe of blue broadcloth, his coffee-colored trousers of European cut; his European shoes, showing immaculately white stockings; his black fur shako, a trifle less gigantic than those of his compatriots; and his well-cut face of grave though kindly expression—few would dream of what his antecedents had been."

Mr. O'Donovan's travels fill two volumes, the formidable size of which is likely to deter readers; but it is only as measured by weight avoirdupois that they can be counted heavy. They are very pleasant and easy reading, and the picture which they give of the Russian establishments on the Caspian and the internal state of Persia will be found deeply interesting by any one interested in the future of that part of Asia. Nor is it possible to read without hearty admiration of the courage, the tact, and the *aplomb* with which Mr. O'Donovan surmounted the many difficulties of his extraordinary position at Merv.

RECENT LAW BOOKS.

Noted French Trials, Impostors, and Adventurers. By Horace W. Fuller, of the Suffolk Bar. Boston: Soule & Bugbee. 1882.

Humorous Phases of the Law. By Irving Browne. New Edition, Revised and Enlarged. San Francisco: Sumner, Whitney & Co. 1882.

The Geneva Award Acts. With Notes and References to Decisions of the Court of Commissioners of Alabama Claims. By Frank W. Hackett. Boston: Little, Brown & Co. 1882.

A Treatise on Equity Jurisprudence, as Administered in the United States of America; adapted for all the States, and to the Union of Legal and Equitable Remedies under the Reformed Procedure. By John Norton Pomeroy, LL.D. In three volumes. Vols. i. and ii. San Francisco: A. L. Bancroft & Co. 1881-1882.

A Concise Treatise on the Principles of Equity Pleading, with Precedents. By Franklin Fiske Heard. Boston: Soule & Bugbee. 1882.

History of the High Court of Chancery and other Institutions of England, from the Time of Caius Julius Caesar until the Accession of William and Mary (1688-9). By Conway Robinson. Volume i. To the Death of Henry VIII. (1540-7). Boston: Little, Brown & Co. 1882.

The Reporters. Arranged and characterized, with Incidental Remarks, by John William Wallace. Fourth Edition, Revised and Enlarged. Published under the superintendence of Franklin Fiske Heard. Boston: Soule & Bugbee. 1882.

MR. HORACE W. FULLER has collected a good deal of information, about a number of French criminals, impostors, and adventurers, not generally accessible to English and American readers. The most familiar figure in the book is that of Cartouche; but the story of Mandrin's life is more valuable, as being less affected by legend. French criminal trials are not as entertaining in themselves as American or English *causes célèbres*, because the case is usually so thoroughly prepared by the police in France, and the judge is so much on the side of the prosecution, that the prisoner is not often able to make a good fight, whereas the struggle for life or liberty, with its varying chances on one side or the other, is what makes a trial really interesting. We have arranged matters so that, except in a very clear case, the game between the prosecution and the prisoner is as nearly even as can be, unless, indeed, it may be said that we have handicapped the Government slightly. At any rate, we have made a criminal trial a remarkably fine specimen of manly Anglo-Saxon sport, and its development in the last three centuries from the crude form in which it was practised by our forefathers is one of the strongest proofs of our strong love of fair play, if not of justice. Such a case as that of Martin Guerre may recall to many readers the Tichborne case, but, as a rule, a French impostor receives so little encouragement from the law that he is not given a really fair start.

The papers embraced in 'Humorous Phases of the Law' were originally published in the *Albany Law Journal*, and since the appearance of the first edition many additions have been made. Although Mr. Browne's object is professedly to amuse, there is a great deal of valuable law in his book, and some of it is collected under heads which are not to be found in the digests. For instance, "Practical Tests in Evidence" is a subject which is always coming up in the trial of cases, and on which it is hard to find authorities. There seem to be a great many popular delusions or fallacies on this subject. We have recently seen a judge severely criticised in the press for compelling a witness to remove a veil, and his act referred to as if it were a case of mere wilful tyranny. Yet this point has been considered by courts of last resort, and it seems clear that a prisoner has no right to conceal her face, for her behavior when confronted with the witnesses against her is a part of the evidence in the case, and this must not be cut off from the jury by

any act of the prisoner's. Under ordinary circumstances, tests are a matter of discretion with the Court, though if a test be proposed which would be conclusive one way or the other, a refusal by the Court to allow it ought to be ground for a new trial. One of the most recent cases on this subject is that of *State v. Linkhaw*, in North Carolina, in which, in an indictment for disturbing a religious meeting by bad singing, the question arose whether one of the witnesses should give an imitation of the singing of the defendant. Such an exhibition in other latitudes would probably not be allowed, both on the ground that it would tend to rob the trial of its gravity, and also as being rather untrustworthy evidence. A remarkable collection of cases is given in the chapter on "de minimis," illustrating the practice of the courts in applying the rule that a variance in a name is not material, provided the sound is the same. The courts have evolved some very remarkable acoustic conclusions on this point. Thus the Supreme Court of Missouri have declared that Mathews and Mathers are *idem sonans*; the Supreme Court of Minnesota think there is no difference in sound between Fourai and Forrest; and the Supreme Court of Nevada have declared May and Mayberry to sound the same. Yet so keen are the ears of the Colorado bench that the judges there distinguished a difference between Fitz Patrick and Fitzpatrick; the Supreme Court of Illinois between Amann and Ammon; while, curiously enough, a Canadian court, whether from want of familiarity with Shakespeare, or from too thorough an acquaintance with the French language, could not make out any identity between Jacques and Jakes.

In 'The Geneva Award Acts' Mr. Hackett has made an extremely useful compilation from materials beyond the reach of the profession at large. His work is more than a compendium, for his long familiarity with the practice under the Geneva Award Acts has enabled him to throw out some original suggestions which will be of much value to practitioners under the statute of 1882 reestablishing the Court. He also publishes, in an appendix, a letter from Mr. W. A. Richardson, explaining the ingenious manner in which the Government received the \$15,500,000 paid by Great Britain under the Geneva Award without deranging the money-markets, and without expense. The records of the old court fill very nearly sixty volumes, and its decisions were collected in the shape of an official report to Secretary Fish, by Mr. John Davis, now First Assistant Secretary of State. Taking the act of 1882 as a basis, Mr. Hackett has appended to each section the corresponding section of the act of 1874, and all the decisions of the Court are to be found under some one of these. The opinion of the Court in the case of the *Winged Racer*, which settles the general rule of loss of ship, cargo, and freight, is given in full. Under the new act the Court will have to determine whether any claims are recoverable, except for damage caused by "exculpated cruisers" and war risks. Mr. Hackett thinks that the Court will have jurisdiction of all claims for "direct" damage (loss of ship and cargo) which may have been dismissed by the old court for want of prosecution, or because they were not presented in time, or for any other defect not going to the merits of the claim itself. The volume has been prepared with great care and a full knowledge of the subject, and will be found of value not merely by lawyers practising before the new Court of Commissioners, but by all who are interested in the examination of questions connected with marine losses and torts.

Mr. Pomeroy, in his 'Treatise on Equity Jurisprudence,' has attempted, as he says, "to furnish to the legal profession a treatise which should deal with the equity jurisdiction and jurisprudence as they now are throughout the

United States, with their statutory modifications and limitations, and under their different types and forms in various groups of States." The two volumes which have thus far appeared show that he has spared no pains to make the book thorough. He has adopted a novel system of classification, in which he separates equity into two grand divisions: the primary rights, duties, estates, and interests which it creates, and the remedial rights and duties enforced by the various remedies which it confers. The reason for the division is, that equitable remedies cover a much broader field than primary equitable rights and interests.

"The remedies administered by equity are not confined to cases in which equitable primary rights have been violated; they are not restricted to the single purpose of maintaining equitable estates and interests. As has already been stated in a preceding section, the peculiar reliefs of equity are given, under certain well-established conditions of fact, for the violation of legal primary rights and for the protection and support of legal estates and interests. In other words, while every equitable right and interest is enforced and preserved by an appropriate equitable remedy, the remedial jurisdiction of equity extends beyond these somewhat narrow limits, and embraces many classes of legal rights and interests for the violation of which, under the existing circumstances, the law gives no adequate relief."

So far as we have examined the manner in which Mr. Pomeroy has executed his task, we have found it well done, and the work, when completed, ought to prove of great value both to courts and lawyers. The author, who is already well known to the profession by several other law books, has a clear style and considerable power of analysis. The book is one of such scope that our space forbids us to attempt to criticise it in detail. We shall content ourselves with calling attention to one or two points connected with the development of the system of equity which, at least in this country, have not attracted the notice they deserve and, in fact, require.

The origin of equity as a branch of jurisprudence is now so fully made out that there is no room for dispute about it. It grew up in England very much as it grew up in Rome in the praetorian courts. There was a *jus civile* in Rome, as there was a common law in England, which had its inflexible rules and its fixed forms of action. The praetor's *equitas* was introduced to modify this, just as the Chancellor's modified the common law in England. The praetor applied the *jus gentium* and the *jus naturale*, as the Chancellor afterward applied the *arbitrium boni viri*, or rules derived from his conscience. So far the development in the two cases seems parallel. But there is one radical difference between the growth of equity in England and of *equitas* in Rome, and that is, that while in Rome it was a growth of the same courts which were the sources of strict law, in England it was introduced by a separate tribunal, between which and the common lawyers and judges there existed from the earliest times the bitterest hostility. Mr. Pomeroy mentions this hostility as one of the causes of the want of uniformity in the development of English law; but whether it be regarded as a cause of the problem to be explained, or the problem itself, the solution is by no means ready to our hands. The fact that the common law was in part feudal, and that there was an antagonism between the Crown and the Roman See, may have had something to do with it, but a fact mentioned by Mr. Pomeroy in his preface seems to show that it goes deeper than this, and that for some reason there is an eternal and irresistible conflict—a sort of struggle for existence—in our system between equity and law, such as never manifested itself at Rome at all. After a lapse of centuries, and after it has come to be understood

that law cannot exist without equity, the legislature both in England and in half the American States has swept away the distinction between the two systems. The design of this legislation was, of course, to give the suitor the benefit of either system in any court in which he chose to enforce his rights, and to save him from the danger of being denied redress because he had selected the wrong forum. By this means the fusion of law and equity was assumed to have been made complete. And now what has been the result? We give it in Mr. Pomeroy's own words:

"Every careful observer must admit that in all the States which have adopted the reformed procedure, there has been, to a greater or less degree, a weakening, decrease, or disregard of equitable principles in the administration of justice. I would not be misunderstood. There has not, of course, been any conscious intentional abrogation or rejection of equity on the part of the courts. The tendency, however, has plainly and steadily been toward the giving an undue prominence and superiority to purely legal rules, and the ignoring, forgetting, or suppression of equitable notions. The correctness of this conclusion cannot be questioned nor doubted; the consenting testimony of able lawyers who have practised under both systems corroborates it; and no one can study the current series of State reports without perceiving and acknowledging its truth. In short, the principles, doctrines, and rules of equity are certainly disappearing from the municipal law of a large number of the States, and this deterioration will go on until it is checked either by a legislative enactment, or by a general revival of the study of equity throughout the ranks of the legal profession."

This tendency has been legislated against in England, and also in this country in Connecticut, by providing that whenever there is a conflict between the rules of equity and law, with reference to the same matter, "the rules of equity shall prevail." This curious modern evidence of the inherent antagonism between the two systems is interesting, however, and raises a question to which there is as yet no answer.

Mr. Heard's little hand-book, 'A Concise Treatise on the Principles of Equity Pleading,' is an elementary treatise intended for the use of students and of "young and inexperienced pleaders." Students will find it of considerable value. It deals with a complicated and abstruse subject in a simple and intelligible way. Young and inexperienced pleaders may also find it of use in removing misconceptions, and in giving some of that elementary knowledge of which the more learned books are sometimes devoid, but, of course, it does not take the place, even for them, of such a work as Story's 'Equity Pleadings.'

Mr. Robinson is so learned a lawyer and so industrious a writer that his want of system and order is greatly to be lamented. His 'History of Chancery' is a mine of information gathered from all quarters on the subjects to which it relates, which are very numerous. The account of "other institutions" which he undertakes to give, enables him to draw at will upon any part of the institutional history of England, and a very large proportion of the contents of his book has as little to do with chancery as Julius Caesar had. The narrative is accordingly confused, and really needs editing to make it useful.

Mr. Wallace's book is a classic, and likely to remain so for a long time. It embodies all the criticisms of value that have ever appeared with regard to the old reports, and in using many of these this body of criticism has to be frequently consulted by judges and lawyers. It is a pity that the work has not been brought down to the most recent times. Since law reporting became a business, as it has in England and this country, the regular series of reports are issued by authority, the judges' opinions being published in full. As to these there is no room for a difference of opinion with regard to the correctness of the report. Of the rest of the report, the summary

of facts or pleadings, the arguments of counsel, and the "head note," a very different story might be told. These, at least in the United States, are often inaccurate and slovenly, and sometimes, indeed, so badly done as to make the whole case almost unintelligible. This is the more inexcusable as the art of reporting is not a difficult one to master, and the modern system of official reports ought to be a guarantee of accuracy and fulness. The old reporters erred from the very fact that they had little or no responsibility of any kind. The market was a perfectly open one, in which judges and lawyers and booksellers competed with one another without any restraints imposed by law. Now we have hedged in the business, which has grown to enormous proportions, with every sort of safeguard, and yet we are very far from perfection. In this State, for instance, no practising lawyer is satisfied with the condition of the reports. An attempt was made a few years ago to introduce the modern English system of having the work done by a grand central board, which should undertake it as a whole, instead of having it, as at present, divided among several reporters, all of whom act independently of each other; but the scheme fell through. Therefore, the reporting of the Court of Appeals and that of the inferior courts from which an appeal lies to that tribunal are still entirely unconnected, and the various series of reports are conducted on different principles. A critical discussion of reporting in America would add greatly to the interest of Mr. Wallace's book.

Nobody can look over the 'list of American reports, swollen every year by the addition of hundreds of volumes, without being struck with the difficulty of carrying out the idea so often broached by law reformers, that something might be done to relieve the profession by cutting down the number of reports. Forbid, they say, the citation in court of all but a single series of reports, prevent the publication of any others, and one source of confusion will disappear. This might, of course, be done very effectually by a little stringent legislation. It might be provided that any citation of unauthorized reports during the conduct of a case should vitiate the proceedings *ab initio*, and render a new trial necessary. But it is hard to imagine such legislation being submitted to. It must be remembered that such a rule, applied logically, would exclude in each American State the authorized series of every other, and also the English reports—that is to say, nine-tenths of all the authorities that are cited in every case that is tried. There would seem, indeed, to be more reasons for forbidding the citation of Massachusetts decisions in New York courts, or *vice versa*, than to exclude a series of decisions rendered in any domestic forum. Even in England, where more has been done to bring order out of chaos than anywhere else, the old unauthorized issue of reports in periodicals still goes on, and these newspaper series, it should be remembered, make trouble too. It is as necessary for a lawyer in preparing a case to have late cases as it is to have authorized reports, and as the regular series are always in arrears with their reports, he is obliged to go to legal periodicals to know what the courts are doing from week to week and day to day.

It must be remembered that although we talk about the "case-lawyer" as an old-fashioned and nowadays rather uncommon professional type, a new kind of case-lawyer has sprung up in this country whose hunger for reported cases is quite as great as his predecessor's ever was, though for a different reason. The case-lawyer of the last century was a man who knew not mere abstract principles of law, but the facts of the case in which the principles had been laid down by the courts. He was supposed to like cases better

than principles, and to infer what the decision in a given case ought to be entirely from a knowledge of what the court in which he practised had decided in previous cases. At the present day and in this country, where the bench is filled with ignorant judges who feel themselves to be rather incompetent for the work they are called upon to perform, they are apt to find an easy road to popularity through a rapid despatch of business, especially in the lower courts, in which decisions are merely obtained to lay the foundation for an appeal. What these judges want is to be furnished with some means of deciding the case rapidly; and a precedent, or anything like a precedent, is to them a godsend. Consequently, lawyers who frequently practise before them make it their business as far as possible to feed them with cases, and for this purpose they make case-hunting a regular part of their business. The lawyer who can find a case similar to the one at bar decided by any court is almost sure of a decision or a ruling in his favor at first instance. We have known of a case being decided at once in this way, by a well-known judge, on the strength of a decision of no great value or authority, when the language in which his opinion was written was unintelligible to both sides, and he admitted to one of them that he had not read the briefs; a single precedent was all he wanted. The fact that decisions can be got out of judges in this way makes the demand for cases very urgent, and is one reason why it is that the bar takes so little interest in any effort for reform in the way of reducing the volume of precedents. This state of things is, it must be admitted, to some extent peculiar to New York, where, owing to the crowded condition of the calendars and the frequent incompetence and occasional corruption of the lower judges, a speedy decision seems often to be of more importance than a correct one.

The learning about the reporters collected by Mr. Wallace throws all sorts of curious lights on the growth of English law. The authority of a reporter of the period prior to the authorized series ought to depend solely on the accuracy and fulness of his reports; but we find that a great many of them have got a bad reputation, owing to causes some of which are purely accidental, while of others we have lost the key. Some reporters have had a good reputation with one judge and a very bad one with another. Thus, Barnadiston's reputation has gone through strange vicissitudes. Lord Mansfield forbade the book to be cited before him, and pretended not to remember his name, referring to him in court as "Barnard-what-you-call-him." This was improved upon by Lord Lyndhurst, who, referring to his 'Chancery Cases,' exclaimed, "I fear that is a book of no great authority; I recollect in my younger days it was said of Barnadiston that he was accustomed to slumber over his note-book, and the wags in the rear took the opportunity of scribbling nonsense in it." Law reports produced in this way would indeed be a curiosity, and there could hardly be much difference of opinion as to their value. Nevertheless, there are weighty opinions, as Mr. Wallace goes on to say, in favor of both the chancery cases of this reporter and his common-law reports as well. Lord Eldon, Chancellor Bland, of Maryland, and other judges of high standing have taken occasion to qualify Lord Mansfield's censure, and Mr. Wallace, in summing up the evidence with regard to Barnadiston, says: "The judgment of Lord Mansfield may therefore be considered as now largely corrected." All that can safely be said, therefore, would seem to be that a lawyer in going to Barnadiston should not take what he says blindly, but use every means external as well as internal to test the accuracy of his report.

The reputation of many of the early reporters

was much smirched through their connection with politics, and this is particularly true of the last part of the seventeenth century, when lawyers were hunting up precedents and authorities on the points at issue between the Crown and the people. This period is rich in reports, and the history of Noy's, once among the best known of these, is very curious. Noy was Charles I.'s Attorney-General, and a lawyer of great abilities, and was one of six persons recommended by Lord Bacon for reporters, as being "learned and diligent," and "conversant in reports and records." There can be little doubt that he did some excellent reporting, but the volume which passes under his name is apparently a piece of imposture, for it contains cases reported fifteen years after his death, and besides this the work is throughout ill done. Mr. Wallace thinks that "in this day we have not one case which was certainly by him." Under these circumstances, the lawyer, while not paying much attention to Noy's reports as they stand, may be pardoned for thinking Carlyle's description of him as "a morose, amorphous, cynical law pedant and invincible living heap of learned rubbish," and as a "grisly law Pluto," inadequate, and perhaps attributable to an antipathy in Carlyle's mind to law, quite as much as to a just conception of the political part played by Noy.

We have no space for further examples, but those which we have given show what nice work the criticism of law reports is, if conducted with any attempt to arrive at a just estimate of their value. At the beginning of this century, when there were only a hundred and fifty volumes of reports in existence, it was possible to have this learning at one's fingers' ends, and it was then, of course, more essential than it is now. Such knowledge, however, is still as valuable as ever in nicely balanced cases, where the decision may turn on the view taken of an early report by the Court. Some acquaintance with the reporters is, moreover, essential to every lawyer, and to any real lover of his profession. Notwithstanding a good deal of grotesqueness of style, there is no more entertaining legal volume than Wallace's 'Reporters.'

The Art Life of William Rimmer—Sculptor, Painter, and Physician. By Truman H. Bartlett, Sculptor. Illustrated with Heliotype Reproductions. Boston: James R. Osgood & Co. 1882.

DR. WILLIAM RIMMER was well known in Boston for nearly twenty years as an instructor in what is called artistic anatomy, and as an artist of singularly earnest purpose. His enthusiasm for, and devotion to, what he considered the true ends of art were intense and constant, and his influence upon the thought and feeling of the community was considerable. In our own view, Dr. Rimmer, though possessed of certain strong artistic faculties—by force of which he once, at least, produced a good work of art—was more essentially an anatomist than an artist. He possessed a keen instinct for form, but it was too largely an instinct for its mechanism rather than for its beauty. His power of drawing was considerable, but it was employed to embody a scientific rather than a wholly artistic inspiration. In short, both in his teaching and his practice, he unduly magnified the importance, and misapprehended the character, of that anatomical knowledge which may be useful to an artist. The idea that scientific anatomy properly concerns an artist had no existence, either in theory or in practice, during the great epochs of artistic production, and it has arisen in modern times out of a misconception of the artist's function. We do not know that this misconception is anywhere more clearly recognized, or

more forcibly criticised, than it is by the late Dr. John Brown, the well-known author of 'Spare Hours'—himself both an anatomist and an intelligent student of art. Dr. Brown says:

"One other heresy I must vent, and that is to protest against the doctrine that scientific knowledge is of much direct avail to the artist; it may enlarge his mind as a man, and sharpen and strengthen his nature, but the knowledge of anatomy is, I believe, more a snare than anything else to an artist as such. Art is the *tertium quid* resulting from observation and imagination, with skill and love and downrightness as their executors: anything that interferes with the action of any of these is killing to the soul of art. Phidias and the early Greeks, there is no reason to believe, ever dissected even a monkey, much less a man, and yet where is there such skin, and muscle, and substance, and breath of life?"

To this we may add the testimony of the greatest of German archaeologists and scholars of art, Müller, who, in his 'Ancient Art and its Remains' (p. 385), says:

"Although in Greece even surgeons, and much more artists, were restrained from the dissection of bodies by an invincible horror, on the other hand, by the opportunity which ordinary life presented, especially in gymnastic schools and games (although models strictly so called were not wanting), the Greek artists, who possessed in a remarkable degree the talent of apprehension, which was improved by practice to a wonderful degree, acquired an infinitely more accurate knowledge of the living human form in action or preparing for action than can ever be obtained by means of anatomical studies. . . . The most accurate study of anatomical science, also, is too weak to appreciate, thoroughly to understand, those masterworks, because it must ever be denied the contemplation of the body unfolding its splendor in the fulness of life and the fire of action."

With these quotations we may compare a passage from the book we are considering as follows:

"Dr. Rimmer had full faith in the necessity of drawing from the life-model, but did not believe in allowing the pupil to do so until a knowledge of the principles of anatomy enabled him to understand what he was doing. 'As well,' he would say, 'to set a person down to read a foreign language before he has learned the value of the letters which compose the words, as to ask a person to draw a human figure without some knowledge of the bones and muscles which compose it'" (p. 146).

Mr. Bartlett's book narrates the circumstances of Dr. Rimmer's life in a straightforward way. It brings out what is important and avoids the insignificant and trivial. It is a truly interesting and instructive life. There is a short chapter on "Rimmer and Hunt," which suggests an interesting comparison of the views of these two most influential of the recent art-teachers of Boston.

"Rimmer," says Mr. Bartlett, "taught that the constructive character of an object was the first thing to learn, and the acquisition of knowledge of the first importance, as the only means of expressing an art sentiment or idea correctly and successfully. The teaching of Hunt made the expression of the essential quality of an object as an artistic effect of the first importance, with the understanding that the knowledge of art, anatomy, perspective, ethnology, and the rest would follow in the pupil's progress as a conscious necessity."

We apprehend that neither of these views is wholly correct, though, when properly qualified, a true view may be found between them. Rimmer's idea of constructive character is an essential one when this character is regarded from the artist's rather than the anatomist's point of view—that is to say, when regard is had to visible and not to hidden constructive character. And Hunt's idea of artistic effect is a right one if it is made to include constructive character, and the more refined and subtle as well as the gross and obvious visual effects.

The illustrations to the book present a fair range of Dr. Rimmer's work in delineation,

sculpture, and painting. The more slight point sketches are spirited and powerful in suggestion of difficult foreshortening and violent movement; but the forms are nearly always ugly and abnormally developed, while in some cases—as in the "Horses of the Chariot of the Sun," in plate xii.—the anatomical extravagance is carried so far as to destroy the specific character of the creature which the artist intended to represent. The back and shoulder of the off horse in this sketch are more like those of a lion than a horse. In finished delineation, like that of plates ix. and xix., the work assumes the character of mechanical elaboration and meaningless inequality of line of the modern Germans. The latter of these plates is, moreover, especially repulsive in accentuation of muscles, and the wings have neither grace nor structural form. The conception, too, seems to us a very unimaginative one, for (representing a falling figure) the heavy part of the body would naturally be downmost and the wings would point upward rather than downward—which latter is a position for flight, not for precipitation. This leads us to remark that Dr. Rimmer's work is, as a rule, least interesting when he quits the actual and indulges in flights of fancy. All his designs embodying conceptions of physically unreal things seem to us to display inconsistencies, and even absurdities, similar to these just noticed, and to bespeak want of true and strong powers of imagination. This forcibly illustrates the inadequacy of anatomical science as contrasted with true imagination. Compare Dr. Rimmer's fanciful and grotesque creations with that dragon by Carpaccio in S. Giorgio dei Schiavoni at Venice. There is in Rimmer's work an appearance of (perhaps unconscious) plagiarism. His is not the borrowing of genius, which is constant with great men, and not to be spoken against; Dr. Rimmer takes the *form* rather than the essential quality of what he borrows. The superficial likeness to Michael Angelo and to Blake is stronger, in his work, than expression of anything caught from the imaginative truth, consistency, and spontaneity of the works of those masters. We believe, as we have already said, that he was honest; but it is very easy for a man to deceive himself in this regard.

Dr. Rimmer's best work is, we think, his statue of Alexander Hamilton, and it is singularly unlike nearly all his other designs. This statue is remarkable among the productions of American sculpture for quiet dignity of conception and for artistic treatment. It is grand in total mass, and the details are gracefully designed and rightly subordinated. Had he pursued this line of work more steadily, and let his anatomical studies and theories go, he might have ranked high among modern sculptors.

The Old Masters of Belgium and Holland. By Eugène Fromentin. Translated by Mrs. Mary C. Robbins. Boston: James R. Osgood & Co. 1882.

THIS translation of Fromentin's 'Les Maitres d'Autrefois' presents to the English reader a book which contains a good deal of interesting and instructive observation and suggestion. M. Fromentin was himself a painter of distinction, and naturally treated his subject from the painter's point of view, giving the technical part of the art of painting its due importance, and showing the intimate and inseparable connection between it and those states of thought and feeling in the mind of the artist which make the technical processes of the fine arts to differ so widely from those of the mechanic arts in character and significance. This difference is one most important to understand. In the fine

arts all technical processes are employed solely to subserve the ends of expression, while in the mechanic arts they subserve merely utilitarian ends. We do not entirely agree with Fromentin's estimate of the Northern masters. It appears to us that he does not sufficiently appreciate the fact that the schools of Belgium and Holland, with all their great merits, are distinctly schools of second rank as compared with those of Italy. We think that a more just appreciation of the superior excellences of Italian painting would qualify, though it need not quench, his admiration for such masters as Rubens and Rembrandt, and would make it impossible for him to say of Rubens that "his studio recalls, with as much renown as any, the finest habits of the Italian schools." It is true that this remark implies some acknowledgment of the higher character of Italian "habits"; but a man who fully felt the great qualities of Italian painting could hardly say that Rubens recalls them.

Nevertheless, Fromentin's remarks on these two masters, as well as what he says of the painters of the North generally, are, in many ways, more discriminating than those of most critics. In the course of a very subtle analysis of Rembrandt's painting, he makes some observations on coloring which are admirably true. He says, page 258:

"A colorist properly so called is a painter who knows how to preserve in the colors of his gamut, whatever it may be, rich or not, broken or not, complicated or reduced, their principle, their fitness, their resonance, and their truth; and that everywhere and always, in the shade, in the half-tint, and even in the most vivid light. It is in this especially that schools and men are distinguished. Take an anonymous painting, examine the quality of its local tone, and what that tone becomes in light, whether it exists in the half-tint, if it exists in the most intense shadow, and you can say with certainty whether or not this painting is the work of a colorist, and to what epoch, what country, and what school it belongs. . . . Every time that color undergoes all the modifications of light and shade without losing anything of its constituent qualities, it is said that the shadow and the light are of the same family—which means that both should preserve, whatever may happen, the relationship, most easy to seize, with the local tone. Ways of understanding color are very different. There are, from Rubens to Giorgione, and from Velasquez to Veronese, varieties which prove the immense elasticity of the art of painting, and the astonishing liberties of method that genius can take without changing its aim; but one law is common to them all, and is observed only by them, whether at Venice, Parma, Madrid, Antwerp, or Haarlem: it is precisely the relationship of shade and light."

We have not seen the essential principle of good coloring so accurately stated by any other writer. Fromentin then goes on to show that Rembrandt's principle of coloring was "exactly the contrary," and he describes with equal clearness what that principle was, and says (p. 260), respecting the famous picture called "The Night Watch": "The tone disappears in the light, as it disappears in the shadow. The shadow is blackish, the light whitish. Everything radiates or is obscured by an alternate effacing of the coloring principle." Nevertheless, he maintains that Rembrandt is in some sense a colorist, which perhaps is true. That is, it is true, as we think, that he possessed the native instincts and capacities for coloring, though his extravagant use of shade prevented the consistent and true expression of his color faculty. But Fromentin does not think that Rembrandt's excessive chiaroscuro is a fault, though he admits that it is wholly untrue. With regard to "The Night Watch," he says: "All results by chance from an effect conceived contrary to probability, pursued in spite of all logic; an effect of small necessity, whose theme was this: to illumine a true

scene by a light which was not true—that is to say, to give to a fact the ideal character of a vision." Now, we do not see upon what principle a system of light and shade which is contrary to all probability and in spite of all logic, can give to a fact any ideal character, or be rightly considered an excellent system, as this one is by our author. We should say, rather, that Rembrandt, whatever his merits may be—and we admit that they are many—is a bad chiaroscuroist just because he is an extravagant one. Chiaroscuro is but one of the visual properties of things which, in *balanced* perfection, give to painting its highest technical excellence; and when, in mature art, this balance is disturbed by such undue emphasis upon one of the elements of visual effect as to injure the others, we think the result may be characterized as a reprehensible fault. Such we should call Rembrandt's chiaroscuro. The fact is, as Lanzi well observes, that, under the influence of the late Renaissance in Italy, there arose an "academic rage" for chiaroscuro which led to all manner of extravagances, and carried all the finer qualities of painting before it. Leonardo da Vinci was easily affected by it; even the Venetian masters felt it harmfully; and, later, Rembrandt and his followers in the North carried it to most unjustifiable excesses.

Fromentin has an interesting chapter on the "Origin and Character of the Dutch School," another on "The Subject in Dutch Painting," and a particularly good one on the "Influence of Holland upon French Landscape." This translation has eight heliotype illustrations, and the book is handsomely printed on good paper.

BOOKS OF THE WEEK.

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Falb, R. Das Land der Inca. Leipzig: J. J. Weber; New York: B. Westermann & Co. \$6.60.
Fifty Perfect Poems. Selected and Edited by C. A. Dana and Rossetti Johnson. D. Appleton & Co. \$10.
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Goethe's Werke edited by G. von Loeper. Vol. I, Part I. Berlin: G. Hempel; New York: B. Westermann & Co.
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Hale, E. E. Stories of Discovery. Boston: Roberts Bros. \$1.
Hamilton, W. A Compend of Baptism. Funk & Wagnall. 75 cents.
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Hawthorne, N. Dr. Grimshawe's Secret. Edited, with Preface and Notes, by Julian Hawthorne. Boston: J. R. Osgood & Co.
Heard, F. F. A Treatise Adapted to the Law and Practice of the Superior and Inferior Courts in Criminal Cases. Second edition, revised. Boston: Little, Brown & Co.
Henderson, Mrs. Frances C. An Epitome of Modern European Literature. Philadelphia: J. B. Lippincott & Co. \$1.50.
Hodgson, F. T. The Builder's Guide and Estimator's Price-Book. The Industrial Publication Co.
Holley, Marietta. Miss Richards' Boy, and Other Stories. Hartford: American Publishing Co.
Holtzendorf, Dr. F. von. Enzyklopädie der Rechtswissenschaft. 4th ed. Leipzig: Duncker & Humblot; New York: Westermann.
Humphrey and Jaques. A Merry Thought. Boston: D. Lothrop & Co.
Johnson, R. Idler and Poet. Boston: J. R. Osgood & Co. \$1.25.
Kaufman, Rosalie. The Queens of England. Abridged and Adapted from Strickland. Boston: Estes & Lauriat. \$1.50.

Kluge, F. Etymologisches Wörterbuch der deutschen Sprache. Parts 1, 2. Strassburg: Karl J. Trübner.
Lakeman, Mary. Ruth Eliot's Dream: a Story for Girls. Boston: Lee & Shepard. \$1.25.
Leighton, W. The Subjection of Hamlet: an Essay toward an Explanation of the Motives of Thought and Action of the Prince of Denmark. Philadelphia: J. B. Lippincott & Co. 75 cents.
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Murray, D. C. Val Strange. Harper's Franklin Square Library. 20 cents.
My Favourite Story-Book. James Pott.
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Nichols, S. H. Monte Rosa: the Epic of an Alp. Boston: Houghton, Mifflin & Co.
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Oliphant, Mrs. Tasso. [Foreign Classics for English Readers.] Philadelphia: J. B. Lippincott & Co. \$1.
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Porter, Rose. In the Shadow of His Hand: Thoughts for Lonely Hours. A. D. F. Randolph & Co. \$1.
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Reber, Dr. F. von. History of Ancient Art. Translated by Joseph Thacher Clarke. Harper & Bros.
Reed, J. C. American Law Studies; or, Self-Preparation for Practice in the United States. Boston: Little, Brown & Co.
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Wilson, A. Wild Animals and Birds: Their Haunts and Habits. Cassell, Potter, Galpin & Co. \$3.
Wise, D. Heroic Methodists of the Olden Time. Phillips & Hunt. \$1.25.
Yriarte, C. Rimini. Paris: J. Rothschild.
Yriarte, C. Françoise de Rimini dans la légende et dans l'histoire. Paris: J. Rothschild.

Fine Arts.

THE MADONNA OF THE CANDELABRA.

THE assertion that the "Madonna of the Candelabra," now on exhibition at the Metropolitan Museum, is worthy the warm discussion excited in regard to its authenticity, will scarcely provoke denial from any one who has seen the picture. It is unquestionably a work of no ordinary degree of merit, and undoubtedly has, in a certain measure, the charm of the flower of the Italian school. All considerations of the picture in its present position must, however, be more or less biased by the knowledge that its value is placed at the enormous sum of \$200,000. Furthermore, it is stated, on the authority of an officer of the Museum, that an attempt will be made to purchase it for the collection. On this account the picture challenges careful criticism.

Remembering the constant opportunities for

the purchase of old masters of undoubted genuineness and real merit, both at the frequent auction sales in the European capitals and from private possessors, one naturally asks, first of all, is it worth while investing so large a sum in any one example of a particular school, unless it happens to be an exceptionally perfect and a thoroughly representative work? Inasmuch as the Metropolitan Museum is established expressly for the education, cultivation, and entertainment of the public, it should be the sole ambition of the managers of the institution to form the collection on the simple broad principles which have been proved, by the experience of the best modern museums, to stimulate most and develop best the public taste of this century. One of these principles is that curiosities of art are of only secondary value.

Is the "Madonna of the Candelabra" a curiosity of art? All pictures by the old masters are curiosities of art which fail to illustrate the style of the painter's work at some period of his life. Direct and minute examination of the picture in question is prevented by the glass over it and by the rail in front of it, the former modifying the color, the latter forbidding near approach. Both are probably necessary to protect the picture from injury. But it can be well enough seen under these circumstances to leave no doubt of its age and source. The composition has the peculiar stamp of that period of the Italian school when the elements of grace and beauty hinted at in the works of such men as Masaccio and Perugino were combined, developed, brought to marvellous perfection in the work of one man, Raphael. At this distance of time it is impossible to estimate the importance of the influence of this painter on the public sentiment and on the art of his time. It is simply unparalleled. His imitators were legion. His methods were repeated, all the superficial elements of his manner were more or less successfully copied. One thing has, however, always defied imitation—the grace of style which belonged to this master alone. On this account it is comparatively easy to distinguish the leader from his followers.

No one but Raphael has ever made a composition of such exquisite grace as the picture under discussion. The design of this work is unquestionably from Raphael's hand. But cases have always been numerous where pictures have been finished after the death of the artist who began them, and, sooner or later, brought forward as the genuine work. In the Museum at Perugia there is, in fact, a painting made by Raphael's pupils on the master's drawing. There are certain points in the execution of the "Madonna of the Candelabra" which warrant the belief that it belongs to this class. A picture so important and so highly finished would, if done by the master's own hand, bear sure proofs of his peculiar method, for an artist's touch is recognizable in the same way that handwriting is. In the execution of the "Madonna of the Candelabra" there is wanting just that completeness of system which is Raphael's own copyright. It is, of course, impossible in the limits of a brief review to explain in accurate detail the method visible in the picture. In general terms it is the accomplishment of an approximate result in execution without the sequence of the intermediate steps. The effect of this method is to produce formality where there should be freedom, stiffness where there should be grace. This analysis is applicable to the color as well as to the modelling. In the period which this picture represents, Raphael gives complete satisfaction, both in the sculptural quality of the modelling and in the fulness of the color. To carry the examination still further, it is apparent that the finesse of the master is wanting in the expression of the faces. This is readily ex-

plained by the condition of production suggested above. The sweet maternity of Raphael's Madonnas, and the ideal innocence of his children, are only moderately echoed in this picture.

The "Madonna of the Candelabra" does not, then, illustrate Raphael's best period, as it is alleged to do. Lest it may seem an idle statement

that good old masters are still to be bought at comprehensible prices, it is perhaps worth while to call attention to the fact that there is still unsold in Rome Raphael's "Apollo and Marsyas," whose authenticity is unquestioned, and whose perfection is attested by all who have seen it; that at least three Rembrandts are now offered

for sale in Paris; that the group of old masters bought at the San Donato sale and exhibited last year in Boston can still be had, and that the whole of these works, all good examples, can be acquired for a less amount than the sum mentioned as the value of the "Madonna of the Candelabra."

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